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Minutes of the Environmental Protection Commission Meeting

March 18, 1991

Wallace State Office Building, Des Moines, Iowa

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MARCH 1991 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 10:00 a.m. on March 18, 1991.

MEMBERS PRESENT

William Ehm (after 2 p.m.), Richard Hartsuck, Rozanne King, Charlotte Mohr, Margaret Prahl, Gary Priebe, NancyLee Siebenmann, and Clark Yeager.

MEMBERS ABSENT

Mike Earley

ADOPTION OF AGENDA

The following appointments were added to the agenda:

Archer Daniels Midland Co. - 2:00 p.m.

Hoover and Edwards - 2:30 p.m.

Chicago & Northwestern Transportation Co. - 3:00 p.m.

Motion was made by Richard Hartsuck to approve the agenda as amended. Seconded by NancyLee Siebenmann. Motion carried unanimously.

ADOPTION OF MINUTES

Motion was made by Richard Hartsuck to approve the minutes of February 18, 1991 as presented. Seconded by Clark Yeager. Motion carried unanimously.

DIRECTOR'S REPORT

Director Wilson reported that Dave Sheridan, the new DNR liaison from the Attorney General's Office, will be present at 11:00 a.m. to meet the Commission and answer any questions they might have.

FINANCIAL STATUS REPORT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached is the Year-To-Date Financial Status report for each division as of 2/28/91. This report has not been adjusted for the effects of the recent deappropriation. The Parks, Preserves and Recreation division budget is very tight, and division staff are actively seeking to reduce expenditures. The postage budget within the Administrative Services division is significantly over, but is being offset with savings from a large number of vacant positions. The remainder of the divisions appear to be within their respective budgets.

House File 173, the deappropriation Act, made the following reductions:

Program or Division	Original	Revised	Reduction
REAP	25,000,000	20,000,000	5,000,000
Administrative Services	1,903,642	1,763,272	140,370
Coordination and Info.	788,691	732,871	55,820
Energy and Geology	1,260,841	1,253,041	7,800
Environmental Protection	2,105,700	1,983,750	122,030
Forests and Forestry	1,581,069	1,535,269	45,800
Parks, Preserves & Rec.	5,415,886	5,260,106	155,780

The foregoing reductions reflect only the Lottery receipts to REAP and the General Fund portion of the divisions' budgets.

The budget staff is attempting a thorough review of budget status as of the end of February as compared to the reduced appropriations. Additional status information will be ready when the Commission meets. The staff will attempt to answer any questions the commissioners may have at that time.

(Reports are shown on the following 3 pages)

Environmental Protection Commission Minutes

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J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 02/28/91

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	TOTAL EXPENDITURES 02/01/91 - 02/28/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
1000 DIRECTOR'S OFFICE					
101 PERSONAL SERVICES	19,336.35	145,901.57	179,582.00	33,680.43-	269,374.00
202 PERSONAL TRAVEL	2,376.41	19,618.24	26,666.00	7,047.76-	40,000.00
301 OFFICE SUPPLIES	1.21	488.19	1,333.00	844.81-	2,000.00
303 EQUIPMENT MAINTENANCE SUP	0.00	292.28	500.00	207.72-	750.00
308 OTHER SUPPLIES	0.00	8.98	800.00	791.02-	1,200.00
309 PRINTING & BINDING	922.40	9,821.40	9,333.00	488.40	14,000.00
410 DATA PROCESSING	165.74	1,103.94	3,200.00	2,096.06-	4,800.00
414 REIMBURSEMENTS TO OTHER A	103.37	248.15	500.00	251.85-	750.00
DIVISION TOTAL	22,905.48	177,482.75	221,914.00	44,431.25-	332,874.00

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IOWA DEPARTMENT OF NATURAL RESOURCES
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	TOTAL EXPENDITURES 02/01/91 - 02/28/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
2000 COORDINATION AND INFORMATION					
101 PERSONAL SERVICES	122,737.36	1,008,360.51	1,059,124.00	50,763.49-	1,588,693.00
202 PERSONAL TRAVEL	1,237.78	15,905.90	38,197.00	22,291.10-	57,300.00
203 STATE VEHICLE OPERATION	1,265.00	6,653.96	7,536.00	882.04-	11,306.00
204 STATE VEHICLE DEPRECIATIO	1,245.00	9,960.00	11,466.00	1,506.00-	17,200.00
301 OFFICE SUPPLIES	22,109.31	52,331.80	54,998.00	2,666.20-	82,500.00
302 FACILITY MAINTENANCE SUPP	336.40	9,864.52	15,999.00	6,134.48-	24,000.00
303 EQUIPMENT MAINTENANCE SUP	484.42	7,251.12	8,000.00	748.88-	12,000.00
304 PROF. & SCIENTIFIC SUPPL	0.00	10,566.97	13,333.00	2,766.03-	20,000.00
307 AG., CONSERVATION & HORT S	60.66	412.18	333.00	79.18	500.00
308 OTHER SUPPLIES	3,796.74	36,852.04	24,732.00	12,120.04	37,100.00
309 PRINTING & BINDING	29,259.84	292,148.74	265,298.00	26,850.74	397,950.00
312 UNIFORMS & RELATED ITEMS	29.75	152.12	1,499.00	1,346.88-	2,250.00
401 COMMUNICATIONS	757.59	7,533.48	8,000.00	466.52-	12,000.00
402 RENTALS	60.00	1,148.55	566.00	582.55	850.00
403 UTILITIES	2,745.50	18,123.48	19,833.00	1,709.52-	29,750.00
405 PROF & SCIENTIFIC SERVICE	0.00	12,217.96	60,000.00	47,782.04-	90,000.00
406 OUTSIDE SERVICES	14,197.67	50,349.12	55,499.00	5,149.88-	83,250.00
410 DATA PROCESSING	1,247.41	7,655.89	16,768.00	9,112.11-	25,152.00
414 REIMBURSEMENTS TO OTHER A	1,503.57	3,086.51	3,333.00	246.49-	5,000.00
501 EQUIPMENT	2,526.00	24,998.28	33,365.00	8,366.72-	50,050.00
DIVISION TOTAL	205,600.00	1,575,573.13	1,697,879.00	122,305.87-	2,546,851.00

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IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
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	TOTAL EXPENDITURES 02/01/91 - 02/28/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
3000 ADMINISTRATIVE SERVICES DIV.					
101 PERSONAL SERVICES	299,426.14	2,601,530.34	2,746,470.00	144,939.66-	4,119,712.00
202 PERSONAL TRAVEL	3,317.11	29,470.99	40,230.00	10,759.01-	60,350.00
203 STATE VEHICLE OPERATION	7,117.22	38,079.32	40,332.00	2,252.68-	60,500.00
204 STATE VEHICLE DEPRECIATIO	5,460.00	43,779.84	48,333.00	4,553.16-	72,500.00
301 OFFICE SUPPLIES	4,832.98	262,347.94	230,890.00	31,457.94	346,340.00
302 FACILITY MAINTENANCE SUPP	111.95	254.62	1,133.00	878.38-	1,700.00
303 EQUIPMENT MAINTENANCE SUP	764.97	25,636.68	33,332.00	7,695.32-	50,000.00
308 OTHER SUPPLIES	679.16	3,672.21	10,325.00	6,652.79-	15,490.00
309 PRINTING & BINDING	3,675.29	9,276.09	24,448.00	15,171.91-	36,675.00
312 UNIFORMS & RELATED ITEMS	111.79	155.61	2,000.00	1,844.39-	3,000.00
401 COMMUNICATIONS	10,051.48	97,485.23	158,599.00	61,113.77-	237,900.00
402 RENTALS	0.00	183.80	333.00	149.20-	500.00
406 OUTSIDE SERVICES	3,658.67	29,930.69	38,863.00	8,932.31-	58,300.00
410 DATA PROCESSING	10,153.03	69,979.45	81,798.00	11,818.55-	122,700.00
412 AUDITOR OF STATE REIMBURS	0.00	81,398.00	53,333.00	28,065.00	80,000.00
414 REIMBURSEMENTS TO OTHER A	7,883.85	21,895.15	9,098.00	12,797.15	13,650.00
501 EQUIPMENT	3,433.98	89,099.24	122,547.00	33,447.76-	183,825.00
DIVISION TOTAL	360,677.62	3,404,175.20	3,642,064.00	237,888.80-	5,463,142.00

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IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 02/28/91

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	TOTAL EXPENDITURES 02/01/91 - 02/28/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
4000 PARKS, PRES. & RECREATION DIV.					
101 PERSONAL SERVICES	322,201.63	3,424,363.51	3,660,857.00	236,493.49-	5,491,289.00
202 PERSONAL TRAVEL	4,263.58	46,112.90	52,896.00	6,783.10-	79,347.00
203 STATE VEHICLE OPERATION	13,895.96	133,850.10	120,602.00	13,248.10	180,906.00
204 STATE VEHICLE DEPRECIATIO	18,390.00	146,575.00	191,578.00	45,003.00-	287,369.00
301 OFFICE SUPPLIES	528.67	20,135.71	30,378.00	10,242.29-	45,575.00
302 FACILITY MAINTENANCE SUPP	51,881.94	365,803.82	372,851.00	7,047.18-	559,282.00
303 EQUIPMENT MAINTENANCE SUP	12,629.65	200,530.27	193,397.00	7,133.27	290,100.00
307 AG., CONSERVATION & HORT S	100.04	9,186.24	13,000.00	3,813.76-	19,500.00
308 OTHER SUPPLIES	2,827.99	23,168.29	18,163.00	5,005.29	27,247.00
309 PRINTING & BINDING	295.95	2,105.50	68,225.00	66,119.50-	102,339.00
312 UNIFORMS & RELATED ITEMS	1,251.22	5,280.89	31,943.00	26,662.11-	47,916.00
401 COMMUNICATIONS	6,172.18	52,174.87	44,460.00	7,714.87	66,692.00
402 RENTALS	269.93	19,636.07	13,659.00	5,977.07	20,490.00
403 UTILITIES	26,982.26	237,594.27	229,632.00	7,962.27	344,451.00
405 PROF & SCIENTIFIC SERVICE	9,500.00	18,000.00	62,666.00	44,666.00-	96,000.00
406 OUTSIDE SERVICES	3,971.05	126,756.48	110,218.00	16,538.48	165,332.00
408 ADVERTISING & PUBLICITY	0.00	14.49	2,666.00	2,651.51-	4,000.00
410 DATA PROCESSING	250.42	1,642.12	5,332.00	3,689.88-	8,000.00
414 REIMBURSEMENTS TO OTHER A	3,398.33	17,277.52	4,498.00	12,779.52	6,750.00
501 EQUIPMENT	11,703.19	66,243.19	108,663.00	42,419.81-	163,000.00
602 OTHER EXPENSES & OBLIGATI	0.00	3,634.00	1,799.00	1,835.00-	2,700.00
701 LICENSES	20.00	20.00	132.00	112.00-	199.00
DIVISION TOTAL	490,533.99	4,920,105.24	5,337,615.00	417,509.76-	8,006,484.00

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 02/28/91

	TOTAL EXPENDITURES 02/01/91 - 02/28/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
5000 FORESTRY DIVISION					
101 PERSONAL SERVICES	132,277.96	1,161,476.05	1,237,562.00	76,085.95-	1,856,348.00
202 PERSONAL TRAVEL	2,086.02	18,534.04	30,865.00	12,330.96-	46,305.00
203 STATE VEHICLE OPERATION	5,983.58	44,988.32	49,331.00	4,342.68-	74,000.00
204 STATE VEHICLE DEPRECIATIO	7,375.00	65,160.00	83,187.00	18,027.00-	124,781.00
301 OFFICE SUPPLIES	1,522.73	11,794.39	31,476.00	19,681.61-	47,220.00
302 FACILITY MAINTENANCE SUPP	2,195.22	20,845.67	21,610.00	764.33-	32,420.00
303 EQUIPMENT MAINTENANCE SUP	2,557.09	28,045.18	38,104.00	10,058.82-	57,160.00
307 AG., CONSERVATION & HORT S	1,094.85	59,570.85	55,211.00	4,359.85	82,818.00
308 OTHER SUPPLIES	501.27	25,555.08	7,264.00	18,291.08	10,900.00
309 PRINTING & BINDING	418.65	6,427.62	8,904.00	2,476.38-	13,360.00
312 UNIFORMS & RELATED ITEMS	149.47	861.95	6,598.00	5,736.05-	9,900.00
401 COMMUNICATIONS	3,500.45	18,409.04	17,237.00	1,172.04	25,860.00
402 RENTALS	708.59	13,384.04	11,332.00	2,052.04	17,000.00
403 UTILITIES	5,149.81	17,534.48	18,998.00	1,463.52-	28,500.00
406 OUTSIDE SERVICES	2,250.17	15,038.17	38,231.00	23,192.83-	57,350.00
408 ADVERTISING & PUBLICITY	0.00	476.21	398.00	78.21	600.00
410 DATA PROCESSING	164.35	1,023.52	666.00	357.52	1,000.00
414 REIMBURSEMENTS TO OTHER A	0.00	121.26	0.00	121.26	0.00
501 EQUIPMENT	1,483.42	23,683.87	82,979.00	59,295.13-	124,473.00
701 LICENSES	15.00	65.00	106.00	41.00-	160.00
801 STATE AID	4,993.52	34,800.43	62,666.00	27,865.57-	94,000.00
DIVISION TOTAL	174,427.15	1,567,795.17	1,802,725.00	234,929.83-	2,704,155.00

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 02/28/91

	TOTAL EXPENDITURES 02/01/91 - 02/28/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
6000 ENERGY & GEOLOGICAL RESOURCES					
101 PERSONAL SERVICES	185,130.06	1,521,136.22	1,573,875.00	52,738.78-	2,360,825.00
202 PERSONAL TRAVEL	2,380.38	39,202.34	62,659.00	23,456.66-	94,000.00
203 STATE VEHICLE OPERATION	1,358.10	11,282.13	19,200.00	7,917.87-	28,800.00
204 STATE VEHICLE DEPRECIATIO	2,445.00	18,960.00	18,201.00	759.00	27,302.00
301 OFFICE SUPPLIES	2,580.18	9,174.44	3,891.00	5,283.44	5,849.00
302 FACILITY MAINTENANCE SUPP	0.00	435.86	200.00	235.86	300.00
303 EQUIPMENT MAINTENANCE SUP	6,311.12	14,892.07	26,664.00	11,771.93-	40,000.00
304 PROF. & SCIENTIFIC SUPPL	911.85	5,067.14	31,465.00	26,397.86-	47,200.00
308 OTHER SUPPLIES	2,345.30	21,039.69	23,003.00	1,963.31-	34,510.00
309 PRINTING & BINDING	874.95	9,946.77	40,782.00	30,835.23-	61,182.00
401 COMMUNICATIONS	3,052.23	10,681.57	12,339.00	1,657.43-	18,510.00
402 RENTALS	175.00	1,400.00	1,600.00	200.00-	2,400.00
403 UTILITIES	2,862.23	7,851.70	8,783.00	931.30-	13,175.00
405 PROF & SCIENTIFIC SERVICE	111,926.03	580,591.22	1,085,802.00	505,210.78-	1,628,708.00
406 OUTSIDE SERVICES	3,416.48	11,916.57	10,463.00	1,453.57	15,699.00
410 DATA PROCESSING	1,279.13	7,124.70	7,264.00	139.30-	10,900.00
414 REIMBURSEMENTS TO OTHER A	1,557.52	4,154.12	4,741.00	586.88-	7,118.00
501 EQUIPMENT	1,089.60	24,786.19	32,216.00	7,429.81-	48,330.00
DIVISION TOTAL	329,695.16	2,299,642.73	2,963,148.00	663,505.27-	4,444,808.00

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 02/28/91

	TOTAL EXPENDITURES 02/01/91 - 02/28/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
7000 ENVIRONMENTAL PROTECTION DIV.					
101 PERSONAL SERVICES	474,403.87	3,897,006.32	4,339,684.00	442,677.68-	6,509,541.00
202 PERSONAL TRAVEL	7,871.98	75,680.91	119,659.00	43,978.09-	179,500.00
203 STATE VEHICLE OPERATION	2,468.70	23,531.19	33,999.00	10,467.81-	51,000.00
204 STATE VEHICLE DEPRECIATIO	4,615.00	36,740.00	41,999.00	5,259.00-	63,000.00
301 OFFICE SUPPLIES	5,182.02	31,839.34	25,325.00	6,514.34	38,000.00
302 FACILITY MAINTENANCE SUPP	146.53	788.42	1,666.00	877.58-	2,500.00
303 EQUIPMENT MAINTENANCE SUP	1,188.46	9,469.79	7,332.00	2,137.79	11,000.00
304 PROF. & SCIENTIFIC SUPPL	0.00	459.19	3,333.00	2,873.81-	5,000.00
308 OTHER SUPPLIES	2,909.37	15,376.93	20,161.00	4,784.07-	30,250.00
309 PRINTING & BINDING	180.55	1,216.70	16,327.00	15,110.30-	24,500.00
312 UNIFORMS & RELATED ITEMS	40.77	1,127.16	2,332.00	1,204.84-	3,500.00
401 COMMUNICATIONS	7,197.81	25,992.55	25,099.00	893.55	37,650.00
402 RENTALS	4,353.67	31,722.90	31,466.00	256.90	47,200.00
403 UTILITIES	1,329.49	6,643.71	9,429.00	2,785.29-	14,145.00
405 PROF & SCIENTIFIC SERVICE	163,158.50	439,506.91	1,186,900.00	747,393.09-	1,780,360.00
406 OUTSIDE SERVICES	4,975.24	27,812.61	31,445.00	3,632.39-	47,175.00
408 ADVERTISING & PUBLICITY	233.74	1,606.08	3,064.00	1,457.92-	4,600.00
410 DATA PROCESSING	10,343.81	65,541.00	94,195.00	28,654.00-	141,300.00
414 REIMBURSEMENTS TO OTHER A	4,311.59	11,295.30	10,896.00	399.30	16,350.00
501 EQUIPMENT	9,357.21	173,813.00	213,227.00	39,414.00-	319,850.00
701 LICENSES	20.00	20.00	333.00	313.00-	500.00
DIVISION TOTAL	704,288.31	4,877,190.01	6,217,871.00	1,340,680.99-	9,326,921.00

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 02/28/91

	TOTAL EXPENDITURES 02/01/91 - 02/28/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
8000 FISH AND WILDLIFE DIVISION					
101 PERSONAL SERVICES	812,508.28	6,989,559.92	7,281,952.00	292,392.08-	10,922,953.00
202 PERSONAL TRAVEL	32,283.22	183,769.28	241,740.00	57,970.72-	362,625.00
203 STATE VEHICLE OPERATION	48,744.18	301,962.60	339,069.00	37,106.40-	508,622.00
204 STATE VEHICLE DEPRECIATIO	56,095.00	438,895.00	423,559.00	15,336.00	635,350.00
301 OFFICE SUPPLIES	16,090.57	155,986.02	119,817.00	36,169.02	179,743.00
302 FACILITY MAINTENANCE SUPP	14,118.18	140,879.47	233,604.00	92,724.53-	350,423.00
303 EQUIPMENT MAINTENANCE SUP	17,074.19	221,902.05	252,035.00	30,132.95-	378,078.00
307 AG., CONSERVATION & HORT S	3,452.15	146,378.13	227,000.00	80,621.87-	340,512.00
308 OTHER SUPPLIES	5,734.31	66,935.27	70,778.00	3,842.73-	106,188.00
309 PRINTING & BINDING	3,672.50	68,354.65	97,247.00	28,892.35-	145,876.00
312 UNIFORMS & RELATED ITEMS	3,353.05	22,197.14	77,854.00	55,656.86-	116,800.00
401 COMMUNICATIONS	11,786.75	96,432.07	108,950.00	12,517.93-	163,440.00
402 RENTALS	6,560.00	28,308.53	27,577.00	731.53	41,370.00
403 UTILITIES	24,199.97	125,864.07	148,395.00	22,530.93-	222,606.00
405 PROF & SCIENTIFIC SERVICE	6,000.00	92,674.21	112,999.00	20,324.79-	169,500.00
406 OUTSIDE SERVICES	5,903.58	53,052.44	102,032.00	48,979.56-	153,066.00
408 ADVERTISING & PUBLICITY	871.19	1,545.92	12,233.00	10,687.08-	18,350.00
410 DATA PROCESSING	2,417.59	38,976.59	25,332.00	13,644.59	38,000.00
414 REIMBURSEMENTS TO OTHER A	20,135.48	74,172.59	60,298.00	13,874.59	90,450.00
501 EQUIPMENT	10,448.47	101,138.75	237,678.00	136,539.25-	356,531.00
602 OTHER EXPENSES & OBLIGATI	0.00	1,000.00	400.00	600.00	600.00
701 LICENSES	0.00	25.00	112.00	87.00-	170.00
DIVISION TOTAL	1,101,448.66	9,350,009.70	10,200,661.00	850,651.30-	15,301,253.00

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 02/28/91

	TOTAL EXPENDITURES 02/01/91 - 02/28/91	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
9000 WASTE MANAGEMENT AUTHORITY					
101 PERSONAL SERVICES	38,485.77	307,603.83	317,893.00	10,289.17-	476,841.00
202 PERSONAL TRAVEL	2,639.74	18,925.17	34,666.00	15,740.83-	52,000.00
301 OFFICE SUPPLIES	270.14	3,596.92	11,665.00	8,068.08-	17,500.00
303 EQUIPMENT MAINTENANCE SUP	78.53	152.28	0.00	152.28	0.00
308 OTHER SUPPLIES	6,158.16	9,256.75	7,666.00	1,590.75	11,500.00
309 PRINTING & BINDING	2,407.95	43,870.60	34,999.00	8,871.60	52,500.00
401 COMMUNICATIONS	5.17	54.53	0.00	54.53	0.00
405 PROF & SCIENTIFIC SERVICE	6,441.26	64,055.34	108,435.00	44,379.66-	162,655.00
406 OUTSIDE SERVICES	777.07	3,788.57	9,465.00	5,676.43-	14,200.00
410 DATA PROCESSING	276.87	1,706.18	2,932.00	1,225.82-	4,400.00
414 REIMBURSEMENTS TO OTHER A	984.48	7,352.05	8,299.00	946.95-	12,450.00
501 EQUIPMENT	0.00	15,379.71	8,666.00	6,713.71	13,000.00
DIVISION TOTAL	58,525.14	475,741.93	544,686.00	68,944.07-	817,046.00

Mr. Kuhn explained details of the report.

This was an informational item; no action was required.

LANDFILL ALTERNATIVES GRANT CONTRACTS

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

A total of fourteen applications were selected for funding in the current round of the Landfill Alternatives Grant program. Four contracts are under \$25,000: East Central Iowa Council of Governments, City of Farmington (Van Buren County), Dodd's Recycling (Jasper County), and Northwest Aging Association (Clay County).

One project, Creston Greenhouse, is being funded through Oil Overcharge monies remaining from a previous grant project. Seven contract summaries follow, with budgets and scopes of work attached. Negotiations have not been completed with the remaining contracts that require approval. The Commission is requested to approve the attached seven contracts at this time.

Klean Sand

Klean Sand, a business to be located in Black Hawk County will use a grant of \$300,000 to assist in starting a foundry sand thermal reclamation system. Foundry sand, in Black Hawk County, makes up a very large portion of the total volume of waste going to the landfill.

Boone County Work Activity Center/Walters Sanitary Services

This joint grant between a local hauler and the County Work Activity Center will be used to purchase equipment and to renovate buildings used in a recycling operation. The grant of \$213,000 will allow these entities to increase the volume of plastic, glass, paper, metals and cardboard being collected for recycling.

Recycling Services Associates, Inc.

A \$255,000 grant for Recycling Services Associates, Inc. will allow for the startup of a company that will be collecting plastics and tires for processing and manufacturing into various recycled products. The project is unique in that it is combining plastics and tires into one product. The grant funds will be used to purchase various pieces of equipment for the project. The project is tentatively going to be located in Jefferson (Greene County).

NCS Plastics

The \$71,875 grant for NCS Plastics will allow for an expansion of the current plastic granulating, separating, and cleaning operations. The grant will be used to purchase plastic granulating, separation and cleaning equipment as well as a solvent recovery still which will enable the operation to reuse plastic cleaning solvents. The project will be located in Des Moines.

Horizons Unlimited

Horizons Unlimited, a County sheltered workshop, will be using the \$203,423 for personnel and labor costs and to purchase equipment to expand the current recycling efforts in Palo Alto County. The project will be collecting plastic, paper, glass, cardboard, and metals for recycling.

Cass County Memorial Hospital

A \$36,829 grant will be used in purchasing reusable diapers and supplies as well as making necessary remodeling to accomodate an in-house and community-wide diaper service. A strong prenatal and public education program will also be a part of this project to increase participation in the project. The project will serve Atlantic and surrounding communities in Cass County.

Creston Greenhouse

The Creston Greenhouse will be collecting waste motor oil from Creston and surrounding areas to be used in heating the greenhouse complex. Twelve waste oil burners will be used to burn up to 35,000 gallons of waste oil per year. The Creston Greenhouse (Union County) will use the \$44,000 in Oil Overcharge monies to purchase the waste oil burners and supporting equipment.

(Scope of Work for each project is shown on the following 14 pages)

KLEAN SAND

SCOPE OF WORK

1. The Contractor shall implement a commercial sand re-processing facility to handle foundry sand in Black Hawk and surrounding counties. The Project will accomplish the foundry sand re-processing by thermal reclamation.
2. The Contractor shall obtain a signed agreement with a major supplier of spent foundry sand to participate in the Project by supplying the spent foundry sand and purchasing the reclaimed foundry sand.
3. The Contractor shall contact the Environmental Protection Division of the Department to determine if a permit is necessary from the Department. If a permit is required, the Contractor shall prepare detailed plans for the Project. The Contractor will submit plans and specifications for the Project to the Environmental Protection Division of the Department and shall receive approval from the Department before operation of the Project begins.

If the Department determines that a permit is not necessary, a written confirmation from the Department must be provided.

4. The Contractor shall purchase any piece of equipment specified in the plans costing over \$10,000 on a competitive basis. The Department shall fund the purchase of equipment and buildings only after the Contractor documents that items 5.2 and 5.3 have been addressed and receives approval from the Department.

The purchase of equipment will include a local cost share of the actual purchase price of the equipment as identified in Appendix A, Budget. The title of the property purchased by the Contractor shall remain vested with the owner of the Project. In the event that the Project fails and any equipment is sold for up to five years after the end of the contract, the Department shall be paid a percentage of the sale price equal to the percentage of grant money used to purchase the property.

5. The Contractor shall maintain records on the volume of foundry sand reclaimed and the sources of this foundry sand and the volume and users of the reclaimed foundry sand. This information shall be included in the monthly reports.
6. The Contractor shall submit monthly reports on the

Project. The reports are due on the 15th of every month. The monthly report shall discuss the status of the project and shall include a monthly update of the information required in the final report.

7. The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up, and contract completion necessary for conferences, trade journals, and other sources to disseminate the results of the project. This pictorial history shall be submitted with the final report. The Contractor shall conduct at least one media-notified open house after the Project is operational and will encourage visits at other times on a scheduled basis.
8. The Contractor shall make any information on the Project resulting from this grant readily available, as this will be considered to be public information.
9. The Contractor shall submit a final report on the Project. The final report will include:
 - 1) Information on the volume and sources of spent foundry sand supplied to the facility and the volume and users of the reclaimed foundry sand during the term of the Contract.
 - 2) The environmental impact of the Project.
 - 3) Assessment of the viability of conducting this type of project in other communities, counties and regions within the State of Iowa.
 - 4) Information on the operational and maintenance costs for the Project for the term of the Contract.
 - 5) Details on all aspects of the Project during the term of the contract.

BUDGET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Fluid Bed Calciners (2)	\$300,000	\$3,700,000	\$4,000,000
Land		\$250,000	\$250,000
Building		\$500,000	\$500,000
Salaries and Wages		\$100,000	\$100,000
Utilities		\$500,000	\$500,000
Interest Expense on Loan		\$650,000	\$650,000
TOTALS	\$300,000	\$5,700,000	\$6,000,000

BOONE COUNTY WORK ACTIVITY CENTER/WALTERS SANITATION

SCOPE OF WORK

1. The Contractor shall implement a recycling program in Boone County. The program shall include methods to collect, process and market recyclable materials.
2. The Contractor shall establish a specific education strategy dealing with recycling. The strategy will consist of promotional and educational materials that will be distributed to the public to increase citizen participation in the recycling program.
3. The Contractor shall investigate the potential markets available for the recyclables and, where potential exists, solicit bids for the purchase of the recyclable materials. Preference for the purchase of the recyclables that are collected and processed by the Project shall be given to Iowa companies. Where appropriate, contracts for the sale of recyclables will be obtained. The Contractor will include in the final report an analysis of the available markets and those utilized for the Project.
4. The Contractor shall contact the Environmental Protection Division of the Department to determine if a permit is necessary from the Department. If a permit is required, the Contractor shall prepare detailed plans for the Project. The Contractor will submit plans and specifications for the Project to the Environmental Protection Division of the Department and shall receive approval from the Department before operation of the Project begins.

If the Department determines that a permit is not necessary, a written confirmation from the Department must be provided.

5. The Contractor shall purchase any piece of equipment specified in the plans costing over \$10,000 on a competitive basis. The Department shall fund the purchase of equipment only after the Contractor documents that items 5.2, 5.3, and 5.4 have been addressed and receives approval from the Department. The purchase of equipment will include a local cost share of the actual purchase price of the equipment as identified in Appendix A, Budget. The title of the property purchased by the Contractor shall remain vested with the owner of the Project. In the event that the Project fails and any equipment is sold for up to five years after the end of the contract, the Department shall be paid a percentage of the sale price equal to the percentage of grant money used to purchase the property.

6. The Contractor shall submit monthly reports on the Project. The reports are due on the 15th of every month. The reports shall discuss the status of the Project.
7. The Contractor shall monitor the collection routes and drop-off containers during the term of the contract and determine the number of stops, and the quantity of each recyclable material collected from collection routes and citizen drop-off stations. The Contractor shall maintain information on the name and address of the markets utilized in the Project and the quantity sold to these markets. This information shall be included in the monthly report.
8. The Contractor shall develop a pictorial history using slides or video of the Project complete with data on project development from early initiation through construction, start-up and contract completion necessary for presentation of the project at Waste Management Conferences, trade journals and other sources to disseminate the results of the project. The Contractor shall conduct at least one media-notified open house after the Project is operational and will encourage visits at other times on a scheduled basis.
9. The Contractor shall make any information on the Project resulting from this grant readily available, as this will be considered to be public information.
10. The Contractor shall submit a final report on the Project. The final report will include:
 - 1) Information on the amount of recyclable material collected during the term of this Contract, the name and address of the markets utilized in the Project, the quantity of material sold to these markets, citizen participation rates, operation and maintenance costs, waste diverted from the landfill and future expectations in these areas.
 - 2) The environmental impact of the Project.
 - 3) Assessment of the viability of conducting this type of project in other communities, counties and regions within the State of Iowa.
 - 4) Details on all aspects of the Project during the term of the contract.

BUDGET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Equipment	\$95,813	\$76,904	\$172,717
Buildings	\$108,706	\$170,163	\$278,869
Supplies		\$12,440	\$12,440
Personnel		\$217,924	\$217,924
Indirect Expenses		\$41,425	\$41,425
Education and Public Awareness	\$8,481	\$10,327	\$18,808
TOTALS	\$213,000	\$529,183	\$742,183

RECYCLING SERVICES ASSOCIATES, INC.

SCOPE OF WORK

1. The Contractor shall implement a business that produces products manufactured from post-consumer plastics and tires.
2. The Contractor shall investigate the potential markets available for the plastic/tire products and, where potential exists, solicit bids for the purchase of the products. Preference for the purchase of the products that are collected and processed by the Project shall be given to Iowa companies.
3. The Contractor shall contact the Environmental Protection Division of the Department to determine if a permit is necessary from the Department. If a permit is required, the Contractor shall prepare detailed plans for the Project. The Contractor will submit plans and specifications for the Project to the Environmental Protection Division of the Department and shall receive approval from the Department before operation of the Project begins.

If the Department determines that a permit is not necessary, a written confirmation from the Department must be provided.

4. The Contractor shall purchase any piece of equipment specified in the plans costing over \$10,000 on a competitive basis. The Department shall fund the purchase of equipment and buildings only after the Contractor documents that items 5.2 and 5.3 have been addressed and receives approval from the Department.

The purchase of equipment will include a local cost share of the actual purchase price of the equipment as identified in Appendix A, Budget. The title of the property purchased by the Contractor shall remain vested with the owner of the Project. In the event that the Project fails and any equipment is sold for up to five years after the end of the contract, the Department shall be paid a percentage of the sale price equal to the percentage of grant money used to purchase the property.

5. The Contractor shall submit monthly reports on the Project. The reports are due on the 15th of every month. The reports shall discuss the status of the Project.

6. The Contractor shall maintain information on the names and addresses of the sources of the post-consumer plastic and tires and the markets utilized for the products manufactured in the Project, and the quantity of the post-consumer plastic and tires collected and the quantity of the product sold to the markets. This information shall be included in the monthly report.
7. The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up and contract completion necessary for presentation of the project at Waste Management Conferences, trade journals and other sources to disseminate the results of the project. The Contractor shall conduct at least one media-notified open house after the Project is operational and will encourage visits at other times on a scheduled basis.
8. The Contractor shall make any information on the Project resulting from this grant readily available, as this will be considered to be public information.
9. The Contractor shall submit a final report on the Project. The final report will include:
 - 1) Information on the amount of post-consumer material processed during the term of this Contract, operation and maintenance costs.
 - 2) The markets utilized in selling the product manufactured in the Project.
 - 3) The environmental impact of the Project.
 - 4) Assessment of the viability of conducting this type of Project in other communities, counties and regions within the State of Iowa.

BUDGET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Building and Scale	\$106,250	\$318,750	\$425,000
Installation	\$5,000	\$10,000	\$15,000
Tire Shredder	\$43,750	\$131,250	\$175,000
Metal Separator		\$2,500	\$2,500
Granulator (2)	\$6,500	\$18,000	\$24,500
Extruder	\$37,500	\$112,500	\$150,000
Chiller	\$2,000	\$5,000	\$7,000
Mold Stations	\$10,000	\$20,000	\$30,000
Process Scales	\$2,000	\$4,000	\$6,000
Conveyor (2)	\$2,500	\$7,500	\$10,000
Dryer	\$3,000	\$8,000	\$11,000
Filter System	\$7,500	\$2,500	\$10,000
Air Compressor	\$1,000	\$2,200	\$3,200
Skid Loader	\$2,000	\$5,000	\$7,000
Fork Truck	\$1,500	\$4,500	\$6,000
Pick-up Truck	\$2,500	\$5,000	\$7,500
Straight Truck	\$2,500	\$7,500	\$10,000
Grapple	\$5,000	\$15,000	\$20,000
Semi-tractor	\$5,000	\$15,000	\$20,000
Freight Trailers	\$2,000	\$6,000	\$8,000
Material/Equipment Handling		\$74,300	\$74,300
Maintenance		\$14,000	\$14,000
Supplies	\$4,000	\$7,500	\$11,500
Wages		\$316,640	\$316,640
Benefits		\$94,743	\$94,743
Advertising		\$4,600	\$4,600
Legal & Accounting		\$3,500	\$3,500
Professional Fees		\$10,400	\$10,400
Utilities		\$27,900	\$27,900
Insurance		\$21,000	\$21,000
Taxes & License		\$7,200	\$7,200
Raw Material	\$3,500	\$123,351	\$126,851
Interest		\$218,743	\$218,743
TOTALS	\$255,000	\$1,624,077	\$1,879,077

NCS PLASTICS

SCOPE OF WORK

1. The Contractor shall implement a commercial facility for separating and granulating PET and HDPE plastic for recycling in Polk County, Iowa.
2. The Contractor shall contact the Environmental Protection Division of the Department to determine if a permit is necessary from the Department. If a permit is required, the Contractor shall prepare detailed plans for the Project. The Contractor will submit plans and specifications for the Project to the Environmental Protection Division of the Department and shall receive approval from the Department before operation of the Project begins.

If the Department determines that a permit is not necessary, a written confirmation from the Department must be provided.

3. The Contractor shall purchase any piece of equipment specified in the plans costing over \$10,000 on a competitive basis. The Department shall fund the purchase of equipment and buildings only after the Contractor documents that items 5.2 has been addressed and receives approval from the Department.

The purchase of equipment will include a local cost share of the actual purchase price of the equipment as identified in Appendix A, Budget. The title of the property purchased by the Contractor shall remain vested with the owner of the Project. In the event that the Project fails and any equipment is sold for up to five years after the end of the contract, the Department shall be paid a percentage of the sale price equal to the percentage of grant money used to purchase the property.

4. The Contractor shall maintain records on the volume of plastic collected and the sources of this plastic and the volume and users of the processed plastic. This information will be included in the monthly reports.
5. The Contractor shall submit monthly reports on the Project. The reports are due on the 15th of every month. The monthly report shall discuss the status of the project and shall include a monthly update of the information required in the final report.
6. The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction,

start-up, and contract completion necessary for conferences, trade journals, and other sources to disseminate the results of the project. This pictorial history shall be submitted with the final report. The Contractor shall conduct at least one media-notified open house after the Project is operational and will encourage visits at other times on a scheduled basis.

7. The Contractor shall make any information on the Project resulting from this grant readily available, as this will be considered to be public information.
8. The Contractor shall submit a final report on the Project. The final report will include:
 - 1) Information on the volume and sources of collected plastic supplied to the facility and the volume and users of the processed plastic during the term of the Contract.
 - 2) The environmental impact of the Project.
 - 3) Assessment of the viability of conducting this type of project in other communities, counties and regions within the State of Iowa.
 - 4) Information on the operational and maintenance costs for the Project for the term of the Contract.
 - 5) Details on all aspects of the Project during the term of the contract.

BUDGET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Granulators	\$35,600	\$53,400	\$89,000
Separation Equipment	\$20,136	\$25,020	\$45,156
Solvent Recovery Still (CR)	\$12,920	\$19,380	\$32,300
Shipping and Installation	\$1,920	\$2,880	\$4,800
Building Lease	\$800	\$1,200	\$2,000
Supplies and Materials	\$500	\$750	\$1,250
Salaries and Wages		\$8,640	\$8,640
TOTALS	\$71,876	\$111,270	\$183,146

HORIZONS UNLIMITED

SCOPE OF WORK

1. The Contractor shall implement a recycling program Palo Alto County. The program shall include methods to collect, process and market recyclable materials.
2. The Contractor shall establish a specific education strategy dealing with recycling. The strategy will consist of promotional and educational materials that will be distributed to the public to increase citizen participation in the recycling program.
3. The Contractor shall investigate the potential markets available for the recyclables and, where potential exists, solicit bids for the purchase of the recyclable materials. Preference for the purchase of the recyclables that are collected and processed by the Project shall be given to Iowa companies. Where appropriate, contracts for the sale of recyclables will be obtained. The Contractor will include in the final report an analysis of the available markets and those utilized for the Project.
4. The Contractor shall contact the Environmental Protection Division of the Department to determine if a permit is necessary from the Department. If a permit is required, the Contractor shall prepare detailed plans for the Project. The Contractor will submit plans and specifications for the Project to the Environmental Protection Division of the Department and shall receive approval from the Department before operation of the Project begins.

If the Department determines that a permit is not necessary, a written confirmation from the Department must be provided.

5. The Contractor shall purchase any piece of equipment specified in the plans costing over \$10,000 on a competitive basis. The Department shall fund the purchase of equipment only after the Contractor documents that items 5.2, 5.3, and 5.4 have been addressed and receives approval from the Department.

The purchase of equipment will include a local cost share of the actual purchase price of the equipment as identified in Appendix A, Budget. The title of the property purchased by the Contractor shall remain vested with the owner of the Project. In the event that the Project fails and any equipment is sold for up to five years after the end of the contract, the Department shall be paid a percentage of the sale price equal to the percentage of grant money used to purchase the property.

6. The Contractor shall submit monthly reports on the Project. The reports are due on the 15th of every month. The reports shall discuss the status of the Project.
7. The Contractor shall monitor the collection routes and drop-off containers during the term of the contract and determine the number of stops, and the quantity of each recyclable material collected from collection routes and citizen drop-off stations. The Contractor shall maintain information on the name and address of the markets utilized in the Project and the quantity sold to these markets. This information shall be included in the monthly report.

8. The Contractor shall develop a pictorial history using slides or video of the Project complete with data on project development from early initiation through construction, start-up and contract completion necessary for presentation of the project at Waste Management Conferences, trade journals and other sources to disseminate the results of the project. The Contractor shall conduct at least one media-notified open house after the Project is operational and will encourage visits at other times on a scheduled basis.
9. The Contractor shall make any information on the Project resulting from this grant readily available, as this will be considered to be public information.
10. The Contractor shall submit a final report on the Project. The final report will include:
 - 1) Information on the amount of recyclable material collected during the term of this Contract, the name and address of the markets utilized in the Project, the quantity of material sold to these markets, citizen participation rates, operation and maintenance costs, waste diverted from the landfill and future expectations in these areas.
 - 2) The environmental impact of the Project.
 - 3) Assessment of the viability of conducting this type of project in other communities, counties and regions within the State of Iowa.
 - 4) Details on all aspects of the Project during the term of the contract.

BUDGET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Administration and Clerical	\$39,840		\$39,840
Employee Labor	\$15,000		\$15,000
Education and Promotion	\$10,000		\$10,000
Building		\$330,000	\$330,000
Remodling Costs	\$49,093	\$12,273	\$61,366
Utilities		\$4,800	\$4,800
Portable Ramp or Dock	\$7,079	\$787	\$7,866
Rolling Stock	\$24,300	\$7,700	\$32,000
Processing Equipment	\$58,111	\$6,457	\$64,568
TOTALS	\$203,423	\$362,017	\$565,440

CASS COUNTY MEMORIAL HOSPITAL

SCOPE OF WORK

1. The Contractor shall implement an in-house and community-wide diaper service including a delivery service.
2. The Contractor shall develop an education program so as to promote increased participation in the diaper service program. This educational program will also emphasize on the benefits of utilizing reusable diapers as a waste volume reduction method.
3. The Contractor shall purchase any piece of equipment specified in the plans costing over \$10,000 on a competitive basis.

The purchase of equipment will include a local cost share of the actual purchase price of the equipment as identified in Appendix A, Budget. The title of the property purchased by the Contractor shall remain vested with the owner of the Project. In the event that the Project fails and any equipment is sold for up to five years after the end of the contract, the Department shall be paid a percentage of the sale price equal to the percentage of grant money used to purchase the property.

4. The Contractor shall submit monthly reports on the Project. The reports are due on the 15th of every month. The monthly report shall discuss the status of the project and shall include a monthly update of the information required in the final report.
5. The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up, and contract completion necessary for conferences, trade journals, and other sources to disseminate the results of the project. This pictorial history shall be submitted with the final report. The Contractor shall conduct at least one media-notified open house after the Project is operational and will encourage visits at other times on a scheduled basis.
6. The Contractor shall submit a final report which will include a summary of the Project's activities, number of customers using the diaper service, the environmental impact of the Project, and an assessment of the viability of conducting this type of Project in other communities, counties and regions within the State of Iowa.

BUDGET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Remodeling Costs	\$4,072	\$1,018	\$5,090
Diapers and supplies	\$15,957	\$1,773	\$17,730
Delivery Vehical	\$15,300	\$1,700	\$17,000
Advertising and Publicity	\$1,500		\$1,500
Salary		\$15,000	\$15,000
TOTALS	\$36,829	\$19,491	\$56,320

CRESTON GREENHOUSE

SCOPE OF WORK

1. The Contractor shall implement a waste motor oil collection program. The program will collect and store waste motor oil for the purpose of combustion for heating of the greenhouse complex.
2. The Contractor shall establish an education program to promote the recycling of waste motor oil in the collection area.
3. The Contractor shall contact the Environmental Protection Division of the Department to determine if a permit is necessary from the Department. If a permit is required, the Contractor shall prepare detailed plans for the Project. The Contractor will submit plans and specifications for the Project to the Environmental Protection Division of the Department and shall receive approval from the Department before operation of the Project begins.

If the Department determines that a permit is not necessary, a written confirmation from the Department must be provided.

4. The Contractor shall investigate the need to obtain any permits or license from the Department of Transportation for the hauling of waste motor oil.
5. The Contractor shall purchase any piece of equipment specified in the plans costing over \$10,000 on a competitive basis. The Department shall fund the purchase of equipment and buildings only after the Contractor documents that items 5.2, 5.3, and 5.4 have been addressed and receives approval from the Department.

The purchase of equipment will be cost shared with the Department at the local share of the actual purchase price of the equipment identified in Appendix A, Budget. The title of the property purchased by the Contractor shall remain vested with the owner of the Project. In the event that the Project fails and any equipment is sold for up to five years after the end of the contract, the Department shall be paid a percentage of the sale price equal to the percentage of grant money used to purchase the property.

6. The Contractor shall purchase twelve (12) waste oil burners for the purpose of burning waste motor oil for heating the greenhouse complex. The Contractor shall

operate the waste oil burners in accordance with 40 Code of Federal Regulations (CFR) Part 266, Subpart E.

7. The Contractor shall install and maintain a waste oil collection tank in accordance with IAC Chapter 119.5 and with American Petroleum Institute specifications and standards.
8. The Contractor shall maintain records as to the volume of waste motor oil it collects in the program and locations from where the oil was collected.
9. The Contractor shall submit monthly reports on the Project. The reports are due on the 15th of every month. The reports shall discuss the status of the Project.
10. The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up and contract completion necessary for presentation of the project at Waste Management Conferences, trade journals and other sources to disseminate the results of the project. The Contractor shall conduct at least one media-notified open house after the Project is operational and will encourage visits at other times on a scheduled basis.
11. The Contractor shall make any information on the Project resulting from this grant readily available, as this will be considered to be public information.
12. The Contractor shall submit a final report on the Project. The final report will include:
 - 1) Information on the volume and sources of waste motor oil collected during the term of the Contract.
 - 2) The environmental impact of the Project.
 - 3) Assessment of the viability of conducting this type of project in other communities, counties and regions within the State of Iowa.
 - 4) Information on the operational and maintenance costs for the Project for the term of the Contract.
 - 5) Information on the energy savings derived from the Project.
 - 6) Details on all aspects of the Project during the term of the contract.

BUDGET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Waste Oil Burners	\$33,226	\$3,692	\$36,918
Containment Unit	\$4,457	\$509	\$4,966
Piping	\$2,384	\$265	\$2,649
Exhaust	\$2,214	\$246	\$2,460
Transfer Pump	\$774	\$626	\$1,400
Heat Fan Jets		\$6,708	\$6,708
Tubing		\$600	\$600
Wiring		\$420	\$420
Tanks		\$12,000	\$12,000
Vehical		\$20,000	\$20,000
Labor		\$10,000	\$10,000
Compressor	\$945	\$105	\$1,050
TOTALS	\$44,000	\$55,171	\$99,171

Ms. Hay gave a brief explanation of each contract.

A lengthy discussion followed regarding various items in the project proposals.

Motion was made by Richard Hartsuck to approve as presented the Landfill Alternatives Grant Contracts for Klean Sand; Boone County Work Activity Center/Walters Sanitary Services; Recycling Services Associates, Inc.; NCS Plastics; Horizons Unlimited; Cass County Memorial Hospital; and Creston Greenhouse. Seconded by Rozanne King. Motion carried unanimously.

Discussion followed regarding the Iowa Falls facility which was funded through the Landfill Alternatives Grant Program.

PUBLIC PARTICIPATION

Chairperson Mohr announced public participation at 10:45 a.m.; no one requested to speak.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 13 pages)

March 1991

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
March 1, 1991

-ion Minutes

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 8 - Contracts	1/22/91	2/20/91	3/11/91	-----	*4/15/91	*4/15/91	*5/15/91	*6/19/91
2. Ch. 23 - NSPS/NESHAPS	12/17/90	1/09/91	2/06/91	1/29/91 1/30/91 1/31/91	3/18/91	3/18/91	*4/17/91	*5/22/91
3. Ch. 61 - Phase III Stream Use Designations	1/22/91	2/20/91	3/11/91	3/12/91 3/13/91 3/14/91 3/15/91	*4/15/91	*4/15/91	*5/15/91	*6/19/91
4. Ch. 63 - Effluent Monitoring Requirements	9/17/90	10/17/90	11/13/90	11/07/90 11/08/90 11/13/90 11/14/90	*4/15/91	*4/15/91	*5/15/91	*6/19/91
5. Ch. 66 - Aquatic Pesticide Rules	2/18/91	*3/20/91	*4/ /91	*4/09/91 *4/10/91 *4/11/91	*5/13/91	*5/13/91	*6/12/91	*7/17/91
6. Ch. 68 - Commercial Cleaning of Private Sewage Disposal Facilities	1/22/91	2/20/91	3/11/91	3/12/91 3/13/91 3/14/91 3/15/91	*4/15/91	*4/15/91	*5/15/91	*6/19/91
7. Ch. 92 - State Revolving Fund	*4/15/91	*5/15/91	*6/ /91	*6/ /91	*7/ /91	*7/ /91	*8/ /91	*9/ /91
8. Ch. 102 - Financial Assurance/Closure and Post-Closure	*4/15/91	*5/15/91	*6/ /91	*6/ /91	*7/ /91	*7/ /91	*8/ /91	*9/ /91
9. Ch. 102 - Landfill Operator Certification	2/18/91	*3/20/91	*4/ /91	*4/09/91	*5/13/91	*5/13/91	*6/12/91	*7/17/91
10. Ch. 109 - Landfill Alternative Grants	*3/18/91	*4/17/91	*5/ /91	*5/ /91	*6/ /91	*6/ /91	*7/ /91	*8/ /91
11. Ch. 117 - Waste Tire Storage and Processing Facilities	1/22/91	3/06/91	4/ /91	*3/26/91 *3/27/91 *3/28/91 *3/29/91	*4/15/91	*4/15/91	*5/15/91	*6/19/91

*Projected

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
March 1, 1991

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
12. Ch. 135 - UST Technical Standards (New Subrule 135.7(10) (Insolvency))	10/15/90	11/14/90	12/12/90	12/04/90 12/06/90 12/07/90	*4/15/91	*4/15/91	*5/15/91	*6/19/91
13. Ch. 135 - UST Technical Standards (Line Leak Detection Date Change)	- - - E	EMERGENCY	ADOPTED	- - -	3/18/91	3/18/91	*4/17/91	*3/29/91

*Projected

MONTHLY VARIANCE REPORT

Month: February, 1991

No.	Facility	Program	Engineer	Subject	Decision	Date
1.	Palo Alto County Board of Supervisors	Air Quality		Landscape Waste	Approved	02/21/91
2.	City of Ankeny	Wastewater Construction	Veenstra & Kimm	Digester Access Openings	Approved	02/04/91
3.	Burr Oak (Unincorporated Town - Winneshiek County)	Wastewater Construction	Erdman Engineering	Sewer Design Flow	Denied	02/06/91
4.	City of Fort Atkinson	Wastewater Construction	Erdman Engineering	Design Flow - Lagoons	Denied	02/06/91
5.	City of Dawson	Watersupply Construction	Butts Engineering	Construction Materials	Approved	02/14/91

TOPIC: Report of Hazardous Conditions

During the period February 1, 1991 through February 28, 1991, reports of 77 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
02/01/91 Clinton	On Feb. 1, 1991, 75 gallons of diesel fuel were released from an above ground storage tank in Camanche. The material pooled on frozen ground. Vandalism was the suspected cause of the release.	International Paper P.O. Box 809024 Dallas, Texas 75380	Apply oil dry to the spill. Overexcavate the soil if necessary. Dispose of material at the county landfill.
02/08/91 Montgomery	On Feb. 8, 1991 1000 gallons of Eradicane leaked from a storage tank and overflowed a containment dike in Villisca. The material did not impact any surface waters.	Villisca Elevator Third and Eighth Street Villisca, Iowa 50864	A sump pump was used to collect pooled material. Oil dry was spread on the soil to help absorb the spill. Contaminated soil will be excavated and land applied.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1990

Substance-TypeMode

Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	112(89)	69(62)	7(10)	36(17)	70(52)	0(3)	25(10)	1(1)	1(1)	15(22)
Nov.	69(57)	36(36)	11(10)	22(17)	35(52)	0(3)	15(10)	4(2)	1(0)	14(5)
Dec.	85(65)	61(43)	14(4)	10(18)	37(32)	1(3)	23(9)	1(3)	1(2)	22(16)
Jan.	56(104)	31(76)	7(6)	18(22)	35(72)	1(2)	9(16)	1(4)	1(3)	9(7)
Feb.	77(69)	43(49)	7(7)	27(13)	47(45)	1(2)	14(13)	2(1)	2(1)	11(7)

Total Number Of Incidents Per Field Office This Period:

1	2	3	4	5	6
10	2	4	8	21	27

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of February 1, 1991 through February 28, 1991, the following number of releases from underground storage tanks were identified.

54 (65)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1990.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Leonard C. Olson, Eagle Grove (2)	Hazardous Condition	Remedial Action	Order	2/1/91
Camp Courageous of Iowa, Monticello (1)	Drinking Water	Monitoring/Reporting- Nitrate, Public Notice	Order/Penalty	2/1/91
Sky Line Inn, Dubuque (1)	Drinking Water	Monitoring/Reporting- Bacteria, Nitrate, MCL-Bacteria	Order/Penalty	2/8/91
Pineview Campground, Dorchester (1)	Drinking Water	Monitoring/Reporting- Nitrate	Order/Penalty	2/8/91
Larchwood Water Supply (3)	Drinking Water	Monitoring/Reporting- Nitrate	Amended Order	2/8/91
Cedar Terrace Mobile Home Park, Cedar Rapids (1)	Drinking Water	Monitoring/Reporting- Inorganics, Public Notice	Order/Penalty	2/8/91
Fisherman's Wharf, Dubuque (1)	Drinking Water	Monitoring/Reporting- Bacteria & Nitrate, Public Notice	Order/Penalty	2/8/91
Fred Varner, Worth County (2)	Solid Waste	Waste Oil Reporting	Order/Penalty	2/8/91
North Linn High School, Coggon (1)	Drinking Water	Monitoring/Reporting- Nitrate	Order/Penalty	2/15/91
Williams Tavern & Sports Goods, Inc., Harpers	Drinking Water	Monitoring/Reporting Nitrate	Order/Penalty	2/15/91
Fred Carlson Co., Inc., Decorah (2)	Air Quality	Emission Standards	Referred to AG	2/18/91
American Pelletizing Corp. (AMPEL), Knoxville (5)	Air Quality	Emission Standards	Referred to AG	2/18/91
Nicklos J. Anderson d/b/a Far-Mor Feeder Pigs, Henry County (6)	Wastewater	Prohibited Discharge	Referred to AG	2/18/91
Bruening Rock Products Inc. Elma (1)	Wastewater	Prohibited Discharge	Referred to AG	2/18/91
City of Lenox and Papetti's of Iowa, Inc. (4)	Wastewater	Effluent Limits	Referred to AG	2/18/91
King's Terrace Mobile Home Court, Ames (5)	Drinking Water	Monitoring/Reporting- Bacteria	Amended Order	2/19/91
Lowell Helt d/b/a Lowell's Service, W. Des Moines (5)	Underground Tank	Remedial Action	Order	2/19/91
United Community School District, Boone (5)	Underground Tank	Remedial Action	Order	2/19/91
Tama, City of (5)	Wastewater	Monitoring/Reporting, Discharge Limits Operational Violations	Order/Penalty	2/19/91

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Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Phil A. Rastetter, Jolley (3)	Drinking Water	Certified Operator, Monitoring/Reporting, Operational Violations	Order	2/19/91
Jolley, City of (3)	Drinking Water	Monitoring/Reporting, Operational Violations	Order/Penalty	2/19/91
Harvest Moon Truck Stop, Atlantic (4)	Drinking Water	Monitoring/Reporting- Bacteria & Nitrate, Public Notice	Order	2/22/91
Clearview Mobile Home Park, Grundy Center (2)	Drinking Water	Public Notice - Lead	Order/Penalty	2/22/91
Koch's Meadow Lake Campgrounds, Tipton (6)	Drinking Water	Public Notice - Lead	Order/Penalty	2/22/91
Ron Long d/b/a Long's Eastside Auto Salvage, Knoxville (5)	Solid Waste	Illegal Disposal	Amended Order	2/22/91
Molkenthin Swine Operation, Keokuk County (6)	Wastewater	Prohibited Discharge	Order/Penalty	2/25/91
Stu's Chick Haven, Boyden (3)	Wastewater	Prohibited Discharge	Order/Penalty	2/25/91
Washington, City of (6)	Wastewater	Monitoring/Reporting, Discharge Limits, Sludge Disposal, Pretreatment	Order	2/25/91
Glenwood, City of (4)	Wastewater	Monitoring/Reporting, Discharge Limits	Order	2/25/91
Castana, City of (4)	Drinking Water	MCL-Nitrate, Public Notice	Order/Penalty	2/25/91
Muscatine, City of (6)	Wastewater	Discharge Limits, Monitoring/Reporting	Order	2/27/91
Cherokee, City of (3)	Wastewater	Discharge Limits, Monitoring/Reporting	Order	2/27/91
Mitchell Boars & Gilts, Madison County (5)	Wastewater	Prohibited Discharge	Order	2/28/91

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Don and Gertrude Carney (Ft. Dodge)	SW	600	1-13-91
John Dennis and Kirk Knox (Audubon County)	SW	300	2-18-91
Pony Creek Homeowners Assoc. #1 (Pacific Jct.)	WS	315	2-24-91
Pacific Junction Water Supply	WS	230	3-02-91
M & D's Chalet (Elgin)	WS	490	3-02-91
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Merle Hall Trucking Co., et.al. (Brooklyn)	WW	500	3-16-91
New Virginia Sanitary District	WW	1,000	3-25-91
David Brinegar (Wapello County)	WW	500	3-28-91
Crab Tree Lake Resort (Marshall County)	WW	500	3-31-91
Twin Knolls 6th Addition Water Co. (Cedar Rapids)	WS	50	4-02-91
Villa Hermosa (Cedar Rapids)	WS	200	4-02-91
Fred Varner (Worth County)	SW	1,000	4-11-91
Long Beach Mobile Park (Clear Lake)	WS	200	4-12-91
Sky Line Inn (Dubuque)	WS	400	4-13-91
Cedar Terrace Mobile Home Park (Cedar Rapids)	WS	200	4-13-91
Fishermans Wharf (Dubuque)	WS	450	4-14-91
Williams Tavern & Sport Goods, Inc. (Harpers Ferry)	WS	200	4-21-91
Jolley, City of	WS	300	4-21-91

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Tama, City of	WW	1,000	4-22-91
Roy Long (Knoxville)	SW	300	6-01-91
North Linn High School (Coggon)	WS	100	-----
John W. Yotter (Louisa County)	SW	1,000	-----
Joe W. Ringsdorf (Kossuth County)	AQ	1,000	-----
Carmen M. Paulsen (Johnson County)	AQ/SW	1,000	-----
Clearview Mobile Home Park (Grundy Center)	WS	200	-----
Koch's Meadow Lake Campgrounds (Tipton)	WS	200	-----
Castana, City of	WS	150	-----
Stu's Chick Haven (Boyden)	WW	1,000	-----
Molkenthin Swine Operation (Keokuk County)	WW	800	-----

The following cases have been referred to the Attorney General:

*On Payment Schedule

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
<u>**Handi-Klasp, Inc. (Webster City)</u>	<u>WW/HC</u>	<u>1,000</u>	<u>8-02-88</u>
McCabe's Supper Club (Burr Oak)	WS	335	12-14-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
Stan Moser (Hudson)	SW	250	6-27-89
Richard Kleindolph (Muscatine)	SW	200	8-17-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Darlo Schaap (Sioux Center)	SW	600	1-14-90
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
East Side Acres (Moville)	WS	200	12-26-89
East Side Acres (Moville)	WS	600	4-01-90
Craig Natvig (Cerro Gordo Co.)	SW	750	6-18-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Cedar Hills Apartments (Dubuque)	WS	300	11-27-90

** Independent Attorney General Action

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
AMOCO Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP	WW	1,000
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Cloyd Foland (Decatur)	FP	800
Superior-Ideal, Inc. (Oskaloosa)	WW	1,000
IBP, inc. (Columbus Junction)	WW	600
King's Terrace Mobile Home Court (Ames)	WW	1,000
Premium Standard Farms, Inc. (Boone Co.)	WW/AQ	700
Amoco Oil Co. (West Des Moines)	UT	1,000
Cozy Cafe (Lucas)	WS	500
Stone City Iron & Metal Co. (Anamosa)	AQ	1,000
Manson Water Supply	WS	500
Joe Villinger (West Point)	SW	500
Midwest Mining, Inc. (Harrison Co.)	FP	800
Orchard, City of	WW	1,000
Sioux City, City of	WW	1,000
Donald Ray Maasdam (Pocahontas Co.)	SW	1,000
Vern Starling (Boone Co.)	SW	1,000
Des Moines, City of	HC	1,000
Carl A. Burkhart d/b/a American Wrecking Co.	AQ/SW	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Troy Mills Dam Assn. (Troy Mills)	FP	300

*On Payment Schedule

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Maple Crest Motel and MHP (Mason City)	WS	350
Plymouth County Solid Waste Agency	SW	1,000
Lloyd Dunton (Iowa County)	SW	1,000
Chicago & North Western Transportation, et.al.	SW	1,000
Vincent Martinez d/b/a Martinez Sewer (Davenport)	HC	1,000
Richard Duncan (Louisa County)	SW/AQ	500
Stuckey's #287-Pecan Shop (Little Sioux)	WS	1,000
Joe Eggers, Jr., et. al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee County)	FP	500
McDowell Dam #2 (Lee County)	FP	500
Camp Riverside (Guthrie County)	FP	500

March 1991

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Sac County Country Club (Wall Lake)	WS	215
Anthony's Resort (Sherrill)	WS	150
Waukee (City of)	WW	1,000
King's Terrace Mobile Home Court (Ames)	WS	50
Corwith, City of	WW	250
Camp Courageous of Iowa (Monticello)	WS	50
Pineview Campground (Dorchester)	WS	200
Rollin' Homes Hide-A-Way Manor (Cedar Rapids)	WS	180
Gilbert John Fjone (Swaledale)	SW	110
Rasch Construction, Inc. (Ft. Dodge)	AQ	500
Thomas E. Lennon (Barnum)	FP	350

TOTAL \$3,055

Robert Fisch (Manchester) has been removed from the active penalties list -- no further action will be taken.

The \$1,000 penalty assessed Geneva Grain & Lumber, Inc. (Franklin Co.) was rescinded.

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS March 1, 1991

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Aidex Corporation Council Bluffs (4)		Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General	Referred EPA suit filed State intervention Motion to dismiss granted/denied Filed interlocutory appeal Decision in favor of govt. Case Management Hearing	12/16/82 2/26/87 3/05/87 2/26/88 3/11/88 4/04/89 11/20/90
American Pelletizing Corp. Knoxville (5)	New	Air Quality	Emission Standards	Order	Referred	2/18/91
Amoco Oil Company Des Moines/Ames (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	10/15/90
Amoco Oil Company Des Moines/Ft. Madison (5&6)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	8/21/90
Anderson, Nicklos J. d/b/a Far-Mor Feeder Pigs Henry County (6)	New	Wastewater	Prohibited Discharge	Order	Referred	2/18/91
William L. Bown Marshalltown (5)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment	11/20/89 3/03/90 7/27/90
Bridgestone/Firestone, Inc. Des Moines (5)		Wastewater Hazardous Condition	Prohibited Discharge Failure to Notify	Referred to Attorney General	Referred	5/21/90
Bruening Rock Products, Inc. Elma (1)	New	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	2/18/91
Carnicle, Roger d/b/a The New Shack Tavern Cedar Rapids (1)		Drinking Water	MCL - Bacteria	Referred to Attorney General	Referred Petition Filed	9/18/90 12/31/90

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DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
March 1, 1991

Commission Minutes

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Cedar Hills Apartments Dubuque (1)		Drinking Water	Monitoring/Reporting	Order/Penalty	Referred	1/22/91
Cerro Gordo County Area Landfill Agency (2)		Solid Waste	Cover Violations	Referred to	Referred Petition Filed Answer Filed	4/16/90 6/25/90 8/13/90
Chalfant, Milo, et.al. Webster City (2)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Suit Filed	9/20/89 8/08/90
Clinton Pallet Co. Clinton (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Suit Filed Default Judgment	6/21/89 11/09/89 4/ /90
Cooper, Kenneth/Hunter Oil Minburn (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred Hunter Referred Site Assessment DNR Review Remediation Plan	8/17/88 2/01/90 4/20/90 8/22/90
Country Lane Foods, Division of Yoder, Inc., Kalona (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	11/20/90
					Referred Suit Filed Default Judgement Filed Motion to Deny Default Motion Overruled	6/22/88 8/11/88 4/21/89 6/14/89 10/04/89
Davis, Richard & Sonja (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General		
Jimmy Dean Meat Co., Inc. (5)		Wastewater	Pretreatment	Referred to Attorney General	Referred	4/16/90
Denham, Larry Ottumwa (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	8/21/90 11/30/90
Des Moines, City of (5)		Wastewater	Operation Violations	Referred to Attorney General	Referred	9/18/90
Dexter Co., The Fairfield (6)		Wastewater	Prohibited Discharge Effluent Limit Discharge	Referred to Attorney General	Referred Petition Filed	3/20/90 7/31/90
Drewelow, Harvey d/b/a Hanson Tires New Hampton (1)		Air Quality Solid Waste	Open Burning Illegal Disposal	Referred to Attorney General	Referred	6/19/90
Drips, Joseph and Diana vs. DNR		Wastewater	Private Sewage Disposal	Defending	Suit Filed	8/06/90
Eagle Wrecking Co. Pottawattamie Co. (4)		Solid Waste	Open Dumping	Order/Penalty	Referred Bankruptcy Claim Filed	6/21/89 7/24/89
Ervin, Don Webster County (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Motion for Summary Judgment Hearing Held Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 6/02/90 7/02/90 7/13/90 9/28/90 11/27/90 11/30/90
Fairfield, City of (6)		Wastewater	Monitoring/Reporting Discharge Limitations Operation Violation	Order	Referred Petition Filed	2/20/90 7/31/90
Fjone, Gilbert Swaledale (2)	Updated	Solid Waste	Open Dumping	Order/Penalty	Referred Payment Schedule Penalty Paid	10/24/89 6/ /90 2/26/91
Fred Carlson Co., Inc. Decorah (2)	New	Air Quality	Emission Standards	Referred to Attorney General	Referred	2/18/91
Giametta, Dominic d/b/a Fred's 66, Davenport (6)		Underground Tank	Remedial Action	Order/Penalty	Referred Petition Filed	12/11/89 7/02/90
Great Dane Fertilizer, Inc. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	9/18/90

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DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
March 1, 1991

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Hancock County and William Waddingham (2)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	11/20/90
Holnam Northwestern Cement Mason City (2)		Air Quality	Emission Standards	Referred to Attorney General	Referred	8/21/90
Humboldt Co. Landfill Commission (2)		Solid Waste	Cover Violations	Order/Penalty	Referred Petition Filed Discovery Proceeding	11/20/89 8/30/90 11/15/90
IBP, inc. Columbus Junction (6)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Judicial Review Ruling on Appeal	10/16/90 2/04/91
Iowa Dress Club, Inc. Oskaloosa (5)		Wastewater Solid Waste	Prohibited Discharge Illegal Disposal	Referred to Attorney General	Referred	7/16/90
Kleindolph, Richard Muscatine (6)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment Partial Penalty Paid (\$300)	10/24/89 4/06/90 8/13/90 9/13/90
Kollbaum, Garry East Side Acres Merville (3)		Drinking Water	MCL-Nitrate	Order/Penalty	Referred Petition Filed	5/21/90 7/02/90
Lakeshore Drive, Inc. et.al. Osceola (5)		Flood Plain	Reconstruction	Order	Referred Petition Filed Judgment vs. Lakeshore	11/20/89 2/07/90 4/09/90
Larson, Daryl, D.V.M. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	11/20/89
Lenox, City of and Papetti's of Iowa, Inc.	New	Wastewater	Effluent Standards Treatment Agreement	Order	Referred	2/18/91
Mathern, Larry (Larry's DX) Ralph Beck; Walker Oil Co. (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred Petition Filed	2/20/90 7/02/90
Mike McGinnis, Alfred Patten and Dennis Lewis Pottawattamie Co. (4)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	10/24/89 11/15/89
Miller Products Co. (5)		Wastewater	Pretreatment	Order/Penalty	Referred Petition Filed	4/16/90 11/29/90
Monfort, Inc. (5)		Wastewater	Prohibited Discharge	Attorney General	Referred	12/11/89
Moser, Stan		Solid Waste	Illegal Dumping	Order/Penalty	Judicial Review Order Affirmed Contempt Citation Modified (\$500) Contempt Citation	9/26/88 5/25/89 1/24/90 5/21/90 11/14/90
				Referred to Attorney General	Referred Petition Filed Trial Decision (\$1,800)	7/19/89 9/12/89 3/15/90 12/11/90
Natvig, Craig Mason City (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Petition Filed	8/21/90 11/29/90
Null, Donald Clinton County (6)		Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	10/15/90
Osceola, City of (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	4/16/90 11/30/90
Pete's Sunoco/ Popejoy Septic West Des Moines		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	6/19/90
Pregler, Gerald Dubuque County (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	10/15/90

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Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Pruess v. IDNR		Hazardous Condition	DNR Defendant	Abatement Order	Suit Filed Hearing DNR Motion to Dismiss Hearing Amended Petition DNR Motion to Dismiss Hearing Set Dismissed Appealed to Supreme Court	4/24/90 4/30/90 5/14/90 5/15/90 5/25/90 6/18/90 8/10/90 8/21/90 9/19/90
Root, William/LAWNKEEPERS Mitchell County (2)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	7/16/90
Sani-Wash Corporation Clinton (6)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information Filed Guilty Plea	8/23/89 10/19/90 10/19/90
Schaap, Darlo Sioux Center (3)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	2/20/90 6/21/90
Schultz, Albert and Iowa Iron Works Ely (1)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	9/20/89 8/08/90
Sevig, Gordon, et.al. Walford (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Criminal Charges Filed	9/20/89 7/15/90
Siouxland Quality Meat Co., Inc. Sioux City (3)		Wastewater	Discharge Limitations	Referred to Attorney General	Referred Petition Filed	2/20/90 7/02/90
Stickle Enterprises, Ltd. et.al., Cedar Rapids (6)		Air Quality	Open Burning	Referred to Attorney General	Referred Suit Filed Trial Set Trial Continued	9/20/89 10/17/89 10/16/90
Sun Wise Systems Corp. Sac City (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred	10/15/90
Swea City Oil Co./Irene Fagerlund, Swea City (2)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	8/21/90
Touchdown Co., et. al., Webster City (2)	Updated	Underground Tank	Prohibited Discharge Failure to Report Hazardous Condition	Referred to Attorney General	Referred Petition Filed	6/21/89 2/14/91
United Technologies Automotive Iowa City (6)	Updated	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Consent Decree (\$3,500)	10/15/90 2/07/91 2/12/91
Witt, John J. Long Grove (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Default Judgment (\$6,000)	8/21/90 10/16/90 12/11/90

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Landa	Hearing continued.
12-03-86	Waukeg, City of	Administrative Order	WS	Hansen	Construction completed. Settlement proposed.
5-12-87	Iowa City Regency MHP	Administrative Order	WW	Hansen	Hearing held 11-03-87; amended order to be issued.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Landa	Final report approved. Settlement proposed.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	Appealed to EPC 1/18/91
2-04-88	Beaverdale Heights, Woodsman; Westwood Hills	Administrative Order	WS	Landa	Settlement proposed.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Landa	Report reviewed. Additional work requested.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	Supreme Court confirms;remands other issues.
7-01-88	Superior Ideal, Inc.	Administrative Order	WW	Hansen	Settled.
7-25-88	Nishna Sanitary Services, Inc.	Permit Conditions	SW	Landa	Settlement proposed.
8-03-88	Hardin County	Permit Conditions	SW	Landa	Settlement proposed.
10-03-88	IBP, Columbus Junction	Administrative Order	WW	Clark	Appealed to District Court; remanded 2/4/91.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Landa	Compliance initiated. Assessment report submitted.
1-25-89	Amoco Oil Co. - Des Moines	Administrative Order	UT	Landa	Settlement proposed. Clean-up progressing.
2-10-89	Northwestern States Portland Cement Company	Site Registry	HW	Landa	Settlement proposed.
2-10-89	Baier/Mansheim/Moyer	Site Registry	HW	Landa	Hearing continued. Settlement proposed.
2-16-89	John Deere Co. - Dubuque	Site Registry	HW	Landa	Final decision 12/17/90. Judicial review.
2-16-89	Premium Standard Farms	Administrative Order	WW/AQ	Murphy	Hearing continued.
3-14-89	Dannie R. Hoover and Bill Edwards	Flood Plain Permit Issuance	FP	Clark	Amended proposed decision 11/14/90; appealed.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Landa	Compliance initiated.
6-08-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-12-89	Amana	Site Registry	HC	Landa	Negotiating before filing.
6-19-89	Grand Mound, City of	Administrative Order	WW	Hansen	Amended order issued.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Landa	Proposed decision 12/13/90. Appealed.
7-26-89	Cozy Cafe	Administrative Order	WS	Hansen	EPD to send follow-up letter.
9-01-89	Stone City Iron & Metal	Administrative Order Permit Denial	AQ	Kennedy	Temporary permit issued 5/31/90.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Landa	Hearing continued pending negotiations.
11-17-89	Aten Services, Inc.	Administrative Order	SW/UT	Landa	Compliance completed.
12-11-89	Leo Schachtner	Permit Issuance	FP	Clark	Hearing continued.
12-21-89	Robert Coppinger and Velma Nehman	Flood Plain Permit Denial	FP	Clark	Final decision 1/22/91.
1-02-90	Midwest Mining, Inc.	Administrative Order	FP	Clark	Negotiating before filing.
1-04-90	Joe Villinger	Administrative Order	SW	Kennedy	Negotiating before filing.
1-08-90	Northwestern States Portland Cement Co.	Permit Amendment	WW	Landa	Negotiating before filing.
3-20-90	Kaneb Pipeline Co.	Administrative Order	HC	Landa	Hearing continued/settlement proposed.
3-22-90	Vern Starling	Administrative Order	SW	Kennedy	Hearing continued.
3-27-90	Orchard, City of	Administrative Order	WW	Hansen	Negotiating before filing.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	Informal meeting held on 5/18/90.
5-08-90	Texaco Inc./Chemplex Company Site	Site Registry	HW	Landa	Hearing continued.
5-09-90	Raccoon Valley State Bank	Administrative Order	HC	Landa	Hearing continued. Depositions taken.
5-09-90	Square D Company	Site Registry	HW	Landa	Hearing scheduled for 4/3/91.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
5-11-90	Carl A. Burkhardt	Administrative Order	AQ/SW	Kennedy	Briefs due 2/12/91.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
6-11-90	Troy Mills Dam Assoc.	Administrative Order	FP	Clark	Sent to DIA.
6-14-90	Willow Tree Investments, Inc.	Administrative Order	UT	Landa	Negotiating before filing.
6-18-90	Sioux City, City of	NPDES Permit Cond.	WW	Hansen	Negotiating before filing.
6-18-90	Ames, City of	NPDES Permit Cond.	WW	Hansen	Briefs filed 2/1/91.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	Informal meeting to be scheduled.
6-26-90	Maple Crest Motel and Mobile Home Park	Administrative Order	WS	Hansen	Negotiating settlement.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	Landa	Hearing set for 4/11/91.
7-11-90	Chicago & Northwestern Co.; Steve L. Carroll; Susan E. Carroll; and Tracy A. Carroll	Administrative Order	NR	Kennedy	New orders issued 12/28/90 rescinding prior orders.
11-20-90		Administrative Order	SW	Kennedy	
7-23-90	IBP, Dakota City	Administrative Order	WW	Hansen	Informal meetings 1/8/91.
7-25-90	Thomas and Arlene Griffin	Water Use Permit	WR	Clark	Hearing held 11/28/90.
7-26-90	Plymouth County SW Agency	Administrative Order	SW	Kennedy	Negotiating before filing.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	Landa	Hearing scheduled for 5/28/91.
8-01-90	J.I. Case Company	Site Registry	HW	Landa	Hearing continued.
8-06-90	Lake Manawa Nissan, Inc.	Administrative Order	UT	Landa	Compliance initiated.
9-06-90	Wilbur Numelin d/b/a Lakeview Enterprises; Carl Hankenson	Administrative Order	UT	Landa	Hearing continued. Compliance initiated.
9-10-90	IBP, inc. Columbus Junction	Administrative Order NPDES Permit	WW	Hansen	Informal meeting 1/8/91. Hearing set for 3/14/91.

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9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Landa	Stipulations prepared.
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Hearing continued.
10-02-90	James Rhoads	Administrative Order	HC	Landa	Negotiating before filing.
10-11-90	Commercial Equipment Co., Inc.	NPDES Permit Denial	WW	Landa	Hearing set for 3/5/91.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Landa	Negotiating before filing.
10-17-90	Chicago & Northwestern Transportation Co.	NPDES Permit Conditions	WW	Landa	Settlement proposed.
10-18-90	Harlan Pruess	Claim	HC	Landa	Hearing scheduled for 4/2/91.
10-23-90	Chariton Municipal Water Department	Water Use Permit	WS	Clark	Discovery initiated.
10-29-90	Arcadian Corporation	NPDES Permit Conditions	WW	Hansen	Informal meeting held. Negotiating.
11-06-90	Vincent Martinez d/b/a Martinez Sewer Service	Administrative Order	HC	Landa	Negotiating before filing.
11-13-90	Lloyd Dunton	Administrative Order	SW	Kennedy	Negotiating before filing.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	WR	Clark	Sent to DIA.
11-29-90	Natural Gas Pipeline of America	NPDES Permit Denial	WW	Hansen	Hearing set for 4/5/91.
12-04-90	United States Gypsum Company	Administrative Order	SW	Kennedy	Negotiating before filing.
12-10-90	ISU - Ames Laboratory Chemical Disposal Site	Site Registry	HC	Landa	Sent to DIA.
12-19-90	Aratex Services, Inc.	Site Registry	HC	Landa	Sent to DIA.
12-21-90	Des Moines, City of	Administrative Order	UT	Landa	Sent to DIA.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Sent to DIA.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Negotiating before filing.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Landa	Sent to DIA.
1-11-91	Fansteel/Wellman Dynamics	Site Registry	HC	Landa	Negotiating before filing.
1-22-91	Richard Duncan	Administrative Order	SW/AQ	Kennedy	Negotiating before filing.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-91	Stuckey's Pecan Shoppe #287	Administrative Order	WS	Clark	Negotiating before filing.
1-28-91	McDowell Dam #1	Administrative Order	FP	Clark	Sent to OIA.
2-22-91	Leon & Rebecca Pierce Camp Riverside	Administrative Order	FP	Clark	Sent to OIA.
2-28-91	Bloomfield Foundry, Inc.	Tax Certification Denial AQ	Landa		Negotiating before filing.

Chairperson Mohr asked for clarification on the public hearing dates for Chapter 117, Waste Tire Storage rules, listed on the Rulemaking Status Report.

Mr. Murphy explained that the original filing deadline was missed and the hearings were moved back two weeks.

Discussion followed regarding several cases on the Referrals report and the Summary of Administrative Penalties report.

This was an informational item; no action was required.

FINAL RULE--CHAPTER 23, NSPS-NESHAPS RULE REVISIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following New Source Performance Standards (NSPS) have been promulgated by EPA between January 29, 1988 and December 18, 1989:

- 1) VOC emissions from petroleum refinery wastewater systems (Subpart QQQ)
- 2) Magnetic tape coating facilities (Subpart SSS)
- 3) Polymeric coating of supporting substrates (Subpart VVV)

The following National Emission Standards for Hazardous Air Pollutants (NESHAPS) have been promulgated by EPA between March 19, 1987 and May 2, 1990:

- 1) Benzene emissions from coke by-product recovery plants (Subpart L).
- 2) Benzene emissions from benzene storage vessels (Subpart Y).
- 3) Benzene emissions from benzene transfer operations (Subpart BB).
- 4) Benzene waste operations (Subpart FF).

There are no known facilities that would be impacted by the NSPS standards in Iowa at this time. One Iowa facility may be subject to the NESHAPS rules.

These NSPS/NESHAPS rules are federally enforceable at this time. Adoption of the rules by IDNR would not impose additional restrictions on industry but merely transfer the authority for enforcing the rules to the state.

Public hearings were held on January 29, 30, and 31, 1991. No comments were received from the public. The commission is asked to adopt the attached rule revision as proposed.

(Report is shown on the following 2 1/2 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted Rule

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission adopts, by reference, recently promulgated federal regulations pertaining to new source performance standards and emission standards for hazardous air pollutants and by including, as facilities affected by these standards, additional source or pollutant categories.

In order to prevent new air pollution problems, by section 111(b)(1)(A) of the Clean Air Act, the Administrator of the Environmental Protection Agency was required to publish a list of categories of major sources that cause or contribute significantly to air pollution which may reasonably be anticipated to endanger health or welfare. Regulations establishing standards of performance for new sources within each category were promulgated and have been adopted by reference by the department. Each standard of performance establishes allowable emission limitations that reflect the degree of emission limitation which is achievable through the application of the best technological system of continuous emission reduction. These regulations apply only to "new sources," that is, sources, the construction or modification of which is commenced after the proposal date of the individual rule. The rules are adopted by reference by subrule 23.1(2).

Similarly, by section 112 of the Clean Air Act the EPA was required to adopt emission standards for "hazardous air pollutants," those pollutants which cause or contribute to air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness. These standards apply to new and existing sources and are adopted by reference by subrule 23.1(3).

In greater detail, the following amendments are adopted:

Item 1 amends subrule 23.1(2) by including, as federal regulations adopted by reference, those regulations pertaining to 40 C.F.R. part 60 which have been promulgated through December 18, 1989. Part 60 which sets forth federal standards of performance for new stationary sources, is amended by adding the new source categories specified herein and by amending various emission standards, monitoring, reporting, record keeping requirements, and testing methods.

Item 1 further amends subrule 23.1(2) by adding, as facilities specifically affected by the standards of performance for new stationary sources, the following types of facilities: Petroleum Refinery Wastewater Systems, Magnetic Tape Manufacturing Operations, and Polymeric Coating of Supporting Substrates.

Item 2 amends subrule 23.1(3) by including, as federal regulations adopted by reference, those regulations pertaining to 40 C.F.R. part 61 which have been promulgated through May 2, 1990. Part 61, which sets forth emission standards for hazardous air pollutants, is amended by the inclusion of additional regulated activities and source categories. Facilities in these source categories or activities which are affected by this amendment are benzene storage vessels, coke by-product recovery plants, benzene waste operations, and benzene transfer operations.

These rules are intended to implement Iowa Code section 455B.133.
These rules will be effective on May 8, 1991

The following amendments are adopted:

ITEM 1. Subrule 23.1(2) is amended as follows:

23.1(2) New source performance standards. The federal standards of performance for new stationary sources, as defined in 40 Code of Federal Regulations Part 60 as amended or corrected through ~~January-29,-1988~~ December 18, 1989 are adopted by reference, except 40 CFR § 60.300 through 60.304, and 60.530 through 60.539b, and shall apply to the following affected facilities. The corresponding 40 C.F.R. Part 60 subpart designation is in parentheses. Reference test methods (Appendix A), performance specifications (Appendix B), determination of emission rate change (Appendix C), quality assurance procedures (Appendix F) and the general provisions (Subpart A) of 40 C.F.R. Part 60 also apply to the affected facilities.

Further amend rule 23.1(2) by adding the following paragraphs:

ggg. VOC emissions from petroleum refinery wastewater systems. Each individual drain system, each oil-water separator, and each aggregate facility for which construction, modification or reconstruction is commenced after May 4, 1987. (Subpart QQQ)

hhh. Magnetic tape coating facilities. Unless exempted, each coating operation and each piece of coating mix preparation equipment for which construction, modification, or reconstruction is commenced after January 22, 1986 (Subpart SSS)

iii. Polymeric coating of supporting substrates. Unless exempted, each coating operation and any onsite coating mix preparation equipment used to prepare coatings for the polymeric coating of supporting substrates for which construction, modification, or reconstruction begins after April 30, 1987. (Subpart VVV)

ITEM 2. Subrule 23.1(3) is amended as follows:

23.1(3) Emission standards for hazardous air pollutants. The federal standards for emissions of hazardous air pollutants, 40 Code of Federal Regulations Part 61 as amended through ~~March-19,-1987;~~ May 2, 1990, are adopted by reference, except 40 C.F.R. §61.20 to 61.28, §61.90 to 61.98, §61.100 to 61.108, §61.120 to 61.126, and §61.250 to 61.252 and shall apply to the following affected pollutants and facilities and activities listed below. The corresponding 40 C.F.R. Part 61 subpart designation is in parentheses. Reference test methods (Appendix B), compliance status information requirements (Appendix A), quality assurance procedures (Appendix C) and the general provisions (Subpart A) of Part 61 also apply to the affected activities or facilities.

Further amend subrule 23.1(3) by adding the following paragraphs:

k. Benzene emissions from coke by-product recovery plants.

Each of the following sources at furnace and foundry coke by-product recovery plants: tar decanters, tar storage tanks, tar-intercepting sumps, flushing-liquor circulation tanks, light-oil sumps, light-oil condensers, light-oil decanters, wash-oil decanters, wash-oil circulation tanks, naphthalene processing, final coolers, final-cooler cooling towers, and the following equipment that are intended to operate in benzene service: pumps, valves, exhausters, pressure relief devices, sampling connection systems, open-ended valves or lines, flanges or other connectors, and control devices or systems required by 40 C.F.R. §61.135.

The provisions of this subpart also apply to benzene storage tanks, BTX storage tanks, light-oil storage tanks, and excess ammonia-liquor storage tanks at furnace coke by-product recovery plants. (Subpart L)

1. Benzene emissions from benzene storage vessels.

Unless exempted, each storage vessel that is storing benzene having a specific gravity within the range of specific gravities specified in ASTM D 836-84 for Industrial Grade Benzene, ASTM D 835-85 for Refined Benzene-485,

ASTM D 2359-85a for Refined Benzene-535, and ASTM D 4734-87 for Refined Benzene-545. These specifications are incorporated by reference as specified in 40 C.F.R. §61.18. (Subpart Y)

m. Benzene emissions from benzene transfer operations.

Unless exempted, the total of all loading racks at which benzene is loaded into tank trucks, rail cars, or marine vessels at each benzene production facility and each bulk terminal. (Subpart BB)

n. Benzene waste operations. Unless exempted, the provisions of this subrule apply to owners and operators of chemical manufacturing plants, coke by-product recovery plants, petroleum refineries, and facilities at which waste management units are used to treat, store, or dispose of waste generated by any of these listed facilities. (Subpart FF)

Date

Larry J. Wilson, Director

Mr. Stokes explained that these rules are to conform state rules to modifications of the federal New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants. He added that no comments were received from the public on the rules and asked the Commission's adoption of same.

Motion was made by Richard Hartsuck to approve Final Rule--Chapter 23, NSPS/NESHAPS Rule Revisions. Seconded by Margaret Prahl. Motion carried unanimously.

PROPOSED RULE--CHAPTER 92, STATE REVOLVING FUND LOANS FOR WASTEWATER TREATMENT

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Draft copies of proposed rule revisions will be distributed for information. The chapters involved are IAC 567--91 and 92. Chapter 92 deals with State Revolving Fund (SRF) administration. Chapter 91 is the priority rating system for establishing the list of fundable projects. The priority system has been used for establishing the construction grant priority list and is used for SRF funding as well. Proposed revisions to Chapter 91 include:

Updating of the priority rating criteria to reflect water quality standards revised in 1990.

Minor wording changes to allow priority list development and administration to be applicable to the SRF program.

Chapter 92 has not been revised since its original development for the SRF program. Minor revisions are proposed as follows:

Loan application documents are minimized.

The significance of the application deadline is clarified.

Costs eligible for loan financing are revised to clarify that they may begin when the Intended Use Plan is approved rather than the date of approval of a loan.

The priority system will be used to rank applications received for fiscal year 1992 SRF loan applications. Applications are due July 1. Therefore it is not known at this time which cities will be ranked for FY 1992 funding. The revised priority system will be applied, for comparative purposes, to a sampling of cities previously ranked on the planning list portion of the construction grant project priority list. The comparison will be provided at the meeting.

(Chapter 92 is shown on the following 2 1/2 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.105 and 455B.245, the Environmental Protection Commission gives notice of intended action to amend Chapter 92, "State Revolving Fund Loans for Wastewater Treatment," Iowa Administrative Code.

Chapter 92 has not been revised since its original development for the SRF program. Minor revisions are proposed as follows: loan application documents are minimized; the significance of the application deadline is clarified; and costs eligible for loan financing are revised to clarify that they may begin when the Intended Use Plan is approved rather than the date of approval of a loan.

Any interested person may file written suggestions or comments on the proposed rule revisions through _____, 1991. Such written materials should be directed to the Administrator of the Environmental Protection Division, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034. FAX: (515)281-8895.

Persons who wish to convey their views orally should contact Wayne Farrand, 515/281-8877; or at the department offices on the fifth floor of the Wallace State Office Building, Des Moines, Iowa 50319-0034.

Persons are also invited to present oral or written comments at a public hearing which will be held on _____, 1991, at 10 a.m. at the Wallace State Office Building in the fifth floor east conference room, 900 East Grand Avenue, Des Moines, Iowa.

Copies of the proposed rules may be obtained from the Records Section, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034.

In accordance with Iowa Code section 17A.31, notice is hereby given that these rules may have an impact on small business.

These rules are intended to implement Iowa Code section 455B.105 and 455B.245.

ITEM 1. Amend Chapter 567--91 as follows:

(A:EP92.MIN/072-91/bkp)

CHAPTER 92
STATE REVOLVING FUND LOANS FOR WASTEWATER TREATMENT

ITEM 1. Amend rule 92.3 Definitions, as follows:

"Eligible cost" means the cost of all labor, material, machinery, equipment, loan initiation and service fees, design and construction engineering services ~~incurred after the date of approval of a loan~~, legal fees and expenses related to the project, capitalized interest during construction of the project and all other expansion, construction and rehabilitation of all or part of a project incurred after the date of approval of an intended use plan which contains the project on a list approved for SRF assistance.

ITEM 2. Amend subrule 92.5(2) as follows:

92.5(2) General requirements. The following items in addition to the requirements of subrule 92.5(1) must be included in a complete SRF loan application:

a. Two copies of the planning--report facility plan certified by a professional engineer registered to practice in Iowa;

~~b. Two copies of project plans and specifications certified by a professional engineer registered to practice in Iowa;~~

~~cb. A schedule for submission of an operation and maintenance manual and plans of operation plans and specifications for the project;~~

dc. A user charge system;

ed. A project construction schedule and cash flow projection including the acquisition of necessary land;

fe. A summary of all financial arrangements necessary to fund the project; and

gf. A description of a dedicated revenue source for loan repayments.

92.5(3) Timing. ~~In preparing the IUP for fiscal year 1989 loan funds, the director may consider potential applicants considered capable of submitting applications within the time necessary to effectively utilize SRF funds provided by the initial capitalization grant. To be considered for loan assistance during subsequent fiscal years;~~ Applications must be received by the department on or before July 1 preceding the fiscal year will be given first priority for loan assistance in the development of the IUP for that fiscal year. Applications received after that date will be considered for addition to the list of eligible recipients in the IUP in priority order following applicants which had applied by July 1.

ITEM 3. Amend subrule 92.8(2), as follows:

92.8(2) Allowable and unallowable costs. Allowable costs shall be limited to those eligible costs deemed necessary, reasonable, and directly related to the efficient completion of the project. Generally, the director will determine project costs eligible for loan assistance in accordance with state rule 567--91.6(455B). Land purchase, easement or rights-of-way costs are not eligible. In addition to those identified in 567--Chapter 91, unallowable costs include the following:

a. Cost of the nonfederal share of any project funded by an EPA grant under the provision of the Clean Water Act.

b. Costs of planning and design phases of the project incurred prior to the date of approval of a loan application for an SRF loan.

c. Cost of service lines and in-house plumbing.

d. Administrative costs of the recipient.

e. Vehicles and tools.

ITEM 4. Amend subrule 92.9(2) as follows:

92.9(2) Final payment. Final payment to the recipient can be made following the final inspection and acceptance by the recipient and the department, and the following have been reviewed and approved:

- a. A request for final payment from the recipient.
- b. Certification by the recipient of project completion and acceptance by the recipient or an acceptable close-out settlement for projects that have encountered a dispute.
- c. Certification by the recipient that labor standard provisions have been met.
- d. An acceptable operation -and -maintenance -manual; -if -applicable and enacted user charge ordinance.
- e. Recap of all engineering, legal, administrative, and all other allowable and unallowable expenses.
- f. Final project budget showing all funding sources utilized by budget categories.
- g. Execution of a loan agreement adjustment based on final costs.

Dated this _____ day of April, 1991.

Larry J. Wilson, Director

(Chapter 91 is shown on the following 7 1/2 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.105 and 455B.245, the Environmental Protection Commission gives notice of intended action to amend Chapter 91, "Criteria for Award of Grants," Iowa Administrative Code.

Chapter 91 provides for the state's administration of activities necessary for the disbursement and management of federal allotments to Iowa for grants for construction of municipal wastewater treatment facilities. It includes a priority rating system which has been used for establishing the construction grant priority list and is used for State Revolving Fund (SRF) funding as well. Proposed revisions to Chapter 91 include: updating of the priority rating criteria to reflect water quality standards revised in 1990; and minor wording changes to facilitate priority list development and administration to be applicable to the SRF program.

Any interested person may file written suggestions or comments on the proposed rule revisions through _____, 1991. Such written materials should be directed to the Administrator of the Environmental Protection Division, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034. FAX: (515)281-8895.

Persons who wish to convey their views orally should contact Wayne Farrand, 515/281-8877; or at the department offices on the fifth floor of the Wallace State Office Building, Des Moines, Iowa 50319-0034.

Persons are also invited to present oral or written comments at a public hearing which will be held on _____, 1991, at 10 a.m. at the Wallace State Office Building in the fifth floor east conference room, 900 East Grand Avenue, Des Moines, Iowa.

Copies of the proposed rules may be obtained from the Records Section, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034.

In accordance with Iowa Code section 17A.31, notice is hereby given that these rules may have an impact on small business.

These rules are intended to implement Iowa Code section 455B.105 and 455B.245.

ITEM 1. Amend Chapter 567--91 as follows:

(A:EP91A.MIN/072-91/bkp)

Environmental Protection [567]
CHAPTER 91
CRITERIA FOR AWARD OF GRANTS

ITEM 1. Amend 567--91.2 as follows:

91.2(1) Program description. The Federal Water Pollution Control Act is directed toward improvement of the quality of surface waters. This Act establishes financial assistance a--federal--grant programs to provide assistance to municipalities for fulfilling their obligations to meet minimum federal treatment requirements and state water quality standards. The federal grant program is administered by the Iowa department of natural resources, under authority delegated by the Environmental Protection Agency (EPA). The department of natural resources is the designated regulatory agency for water quality control in Iowa. In coordination with other state agencies and interests, the department of natural resources establishes water quality standards for Iowa waters. The department of natural resources is responsible for the establishment of the Priority System and the State Project Priority List according to federal regulations. The department of natural resources is the primary contact for financial assistance applicants and recipients grant applicants -and- grantees regarding all matters in the wastewater treatment works assistance construction-grant programs. The environmental protection commission establishes state policy for administration of the programs.

91.2(2) State priority system. The Priority System establishes a method for ranking projects considered eligible for financial assistance construction grant-funds and sets forth the procedures used to develop and revise the State Project Priority List. It also describes administration and management of state responsibilities in the Construction Grant program. The Priority System has been developed in an effort to achieve optimum water quality improvement consistent with the goals and requirements of the Federal Water Pollution Control Act. The development of a new or revised Priority System is made according to the state rule-making process and will be subject to the public participation procedures described in 91.3. The Priority System is comprised of the rules in this chapter.

91.2(3) State project priority list. The grant allotments available to Iowa each year for constructing publicly owned facilities are limited and ~~not~~ all projects may not can be funded. The state, therefore, establishes a fundable list for the distribution of grant funds allotted to Iowa. The State Project Priority List also includes a planning list which consists of projects which may utilize future financial assistance grant funds. The annual State Project Priority List, upon EPA approval, replaces previously approved project priority lists.

ITEM 2. Amend subrule 91.5(2) a, as follows:

91.5(2) Priority assignments.

a. Point source rating criteria application - All projects are evaluated and placed on the State Project Priority List according to the point source rating criteria in 91.10(455B) of the Priority System. Unfunded pProjects will be re-evaluated and subsequently placed on the priority list for two-year intervals starting with the FY 85 and FY 86 period.

ITEM 3. Amend subrule 91.5(3) as follows:

91.5(3) Point source rating criteria information.

a. Factors considered in the criteria - The formula used to rate projects is contained in 91.10(455B). In developing project rating criteria for the Priority System, the state considered the following factors:

(1) The severity of the pollution problem.

(2)~~--The-existing-population-affected:~~

(2)(3) The need for preservation of high quality waters.

(3)(4) Specific categories of needs are not a part of the point source rating criteria; however, they are a factor in the Priority System to determine if a project can be placed on the State Project Priority List.

ITEM 4. Amend subrule 91.5(4) as follows:

91.5(4) State project priority list. The Priority System is used to derive a listing of projects in priority order which qualify for financial~~federal~~ grant assistance, including both a Fundable and a Planning List.

a. Fundable List - Includes project steps scheduled for award of grant assistance from funds available for obligation during the fiscal year. The Fundable List is determined by the following factors:

(1) Project schedules - Schedules for project steps are based on their present status and anticipated progress. Readiness is not a factor in priority ranking; however, it may determine if a project can be placed on the Fundable List. Only projects considered capable of readiness within the fiscal year can be placed on the Fundable List. It is the applicant's ~~grantee's~~ responsibility to complete work necessary as a prerequisite to the step appearing on the State Project Priority List. Criteria for Fundable List consideration:

1. An applicant for grant funding must have a complete facility plan on file with the department by June 1, 1986, or thereafter in succeeding years by April 1 of the year prior to the fiscal year funding is requested (i.e., Example - Facility plan must be submitted by June 1, 1986, in order for the project to be considered for the FY-87 Priority List. Facility plans must be submitted by April 1, 1987, to be considered for the FY-88 Priority List).

2. In addition, applicants applying for Step 3 grant funding must be projected to have final plans and specifications on file for departmental review by April 1 during the fiscal year of requested funding.

Projects included on the Fundable List which cannot attain readiness within the fiscal year may be removed and placed on the Planning List in accordance with 91.9(455B), State project priority list revisions.

(2) Project priorities - Projects with qualifying schedules will be considered in priority order for placement on the Fundable List. Subsequent segments of a project which has been awarded financial assistance a Step-3 grant for Category I and Category II needs will be placed on the Fundable List ahead of other new Step-3-or-Step-4 projects whose schedules also would allow funding during the fiscal year.

ITEM 5. Amend rule 91.6 as follows:

567--91.6(455B) Grant funding policy.

91.6(1) General funding policy. Each municipality with a qualifying need is assigned a priority and is funded as allowed by its relative priority and according to this section.

Starting October 1, 1984, federal grants for new projects will be 55 percent. Some segmented and phased projects which were described in a facilities plan approved before October 1, 1984, and included a Phase or Segment which received a grant prior to October 1, 1984, may continue to receive 75 percent funding. In cases where a primary, secondary, or advanced waste treatment facility or its related interceptors or a project for

infiltration/inflow correction has received a grant for erection, building, acquisition, alteration, remodeling, improvement, extension or correction before October 1, 1984, all segments and phases of such facility, interceptors and project for infiltration/inflow correction will be eligible for grants at 75 percent.

91.6(2) Eligibility of project categories. The state has authority to determine the priority for each category of need defined by the Federal Water Pollution Control Act. These policies will be used to determine the circumstances under which each category will be endorsed by the state for federal grant funding. Projects will be placed on the State Project Priority List and, if necessary, removed from the State Project Priority List in accordance with these policies. Starting October, 1984, grants are to be made only on projects for secondary treatment or more stringent treatment, or any cost-effective alternatives such as new interceptors and appurtenances, and infiltration/inflow correction. Funding can be provided to other types of projects, such as related sewers, so long as no more than 20 percent of the state's allocation (percentage to be determined by the governor) is spent on those other types of projects. The technical review of projects prior to endorsement will determine the project categories and which portions will be grant funded. Inclusion or omission of a project category on the State Project Priority List will be adjusted as necessary.

c. Category IIIA - In the evaluation of alternatives available to meet a Category I or Category II need, cost-effective proposals may include infiltration/inflow correction (Category IIIA). Category IIIA will be fundable at the same priority as the Category I or Category II need where it is cost-effectively justified as part of the overall project. Category IIIA work, without the documentation of planning undertaken to address a Category I or Category II need, will not be considered for federal funding under this program.

ITEM 6. Amend rule 91.10 as follows:

567--91.10(455B) Point source rating criteria. This point source rating criteria considers the municipal discharger and the receiving stream in formulation of priorities as necessary for ~~obligations of construction grant funds according to the State Priority System of which this criteria is a part.~~ distribution of financial assistance available through EPA or state programs.

The criteria provides a mathematical formula for weighing the various parameters involved and determines a numerical rating. The two basic factors in the priority rating formula used to develop Municipal Discharger Priority Ratings are (1) the Stream Segment Priority Criteria, and (2) the Municipal Discharger Priority Criteria. Specific components of these factors and their combination to form the Municipal Discharger Priority Ratings are set forth below.

91.10(1) Stream segment priority criteria. Each major river basin is divided into various stream segments which consist of surface waters that have a common hydrologic characteristic. The stream segments are classified, in accordance with EPA guidelines as effluent limited (EL) or water quality limited (WQ).

Effluent limited (EL) segments are those segments where the water quality meets and will continue to meet the water quality standards, or where the water quality standards will be met after application of secondary treatment or best practicable treatment technology (BPT) to all point discharges to the segment.

Water quality limited (WQ) segments are those segments where water quality standards are not being met and would not be met after application of secondary treatment of BPT to all point discharges to the segment.

Three factors are considered in allocating priority points for ranking stream segments:--They are:--(1)-The water use designations given the segment in the water quality standards; -(2)-the population residing within a certain area in the vicinity of the stream segment; and -(3)-whether the segment is effluent limited or water quality limited.

Secondary treatment is defined in Chapter 62, IAC. If water quality standards require imposing limits on parameters in a discharge more stringent than or in addition to those identified in 62.3, the segment is considered to be water quality limited.

The formula for calculating total points for a segment is as follows:

a. Total stream Segment Points =

$$(0.5 + A + B_{cw} B_c + B_{ww} + B_{lr} B_w + C + HQ + HQR P\&P) \times SQ$$

Where: A = 2.0 if the segment is designated class A water and 0 otherwise.

$B_{cw} B_c = 2.0$ if the segment it is designated class B cold water and 0 otherwise.

$B_{ww} B_c = 1.0$ if the segment it is designated class Ba significant resource warm water and 0 otherwise.

$B_{lr} = 0.5$ if it is a limited resource water and 0 otherwise.

C = 1.0 if the segment it contains any designated class C waters and 0 otherwise.

HQ = 1.0 if the segment it is designated a high quality water and 0 otherwise.

-2.0)--(30-or-more

--1.5)--(15-to-30

HQR = 0.5 if it is a high quality resource and 0 otherwise.

-P&P--1.0)-if-(5-to-15-thousand-people

--0.5)--(0.5-to-5-presently

--0)--(0-to-0.5

--reside-within-five-miles-of-either-side-of-the-segment-and-at-least-one-of the above terms (A; B_c; B_w; G; HQ) is not zero: --P&P equals zero if the segment is unclassified or the discharge occurs to an unclassified tributary beyond five stream miles from the segment.

SQ = 2.0 3 if the segment is designated as water quality limited: with treatment more stringent than standard secondary required.

SQ = 1.0 2 if the segment is designated as effluent limited with water quality standards violated secondary treatment required.

--SQ--1-if-the-segment-is-designated-as-effluent-limited-with-water-quality standards met:

--SQ--0.5-if-the-segment-is-not-classified-as-A; B_c; B_w; G-or-HQ-or-if-the discharge occurs to an unclassified tributary beyond five stream miles from the segment and treatment more stringent than standard secondary is not required:

b. Application. -The segment point calculation for cities which have wastewater dischargers within five miles of a stream segment will include factors in the formula applicable to that segment:

--The segment point calculation for cities discharging to a tributary of a segment at a point greater than five stream miles from the segment will consider all applicable factors except the P&P factor if the city is required by the department to treat its wastewater to a level more stringent than standard secondary treatment: The stream segment priority for each discharger is based upon the stream segment(s) impacted by the discharge. The stream segment priority for a discharger impacting a water quality limited segment

will be determined according to all applicable use designation factors for the water quality limited segment(s), whether or not the discharge is directly into the water quality limited segment and if the discharge effluent limits are more stringent than secondary treatment.

91.10(2) Municipal dDischarger priority criteria. This criteria ranks a discharger with respect to its present contributing wasteload and the degree of stream overloading it causes.

The formula used to rank dischargers is as follows:

$$a. \text{ Municipal dDischarger priority points} = A_1 B_1 + A_2 B_2 \frac{(A1)(B1) + (A2)(B2)}{2}$$

Where: A A1 and A2 = Degree of stream overloading.

A1 A₁ = CBOD5 Overloading Factor =

Present lbs. CBOD5 discharged

Allowable lbs. CBOD5

"Present lbs. CBOD5 discharged" is the average lbs/day of CBOD5 which is currently being discharged-and-Allowable-lbs.-BOD₅-equals-32.4-lbs/cfs-x-70--streamflow-unless-higher-protected-low-flow-has-been-established. If BOD values are reported as BOD5, they shall be converted to CBOD5 values by multiplying by 25/30.

"Allowable lbs. CBOD5" equals the average lbs/day of CBOD5 allowed to be discharged calculated by wasteload allocations using the current water quality standards.

A2A₂ = Ammonia-N Overloading Factor =

Present lbs. NH3-N discharged

Allowable lbs. NH3-N

"Present lbs. NH3-N discharged" is the average lbs/day of NH3-N which is currently being discharged-and-Allowable-lbs.-NH₃-N-equals-25.8-lbs/cfs-x-70--streamflow-unless-higher-protected-low-flow-has-been-established.If ammonia data is not available for an existing facility, then the value shall be obtained by the following formula:

Present lbs. NH3-N discharged =

15 mg/l NH3-N x average daily flow in MGD x 8.34

"Allowable lbs. NH3-N" equals the average lbs./day of NH3-N allowed to be discharged as calculated by wasteload allocations using the current water quality standards.

-B=-Total-contributing-lbs/day-of-BOD₅-and-NH3-N--Values-will-be-obtained from-two-full-calendar-years-of-operational-data-preceding-the-two-year re-evaluation-period-(i.e.,-FY85,-FY86-period-is-based-on-1982,-1983-data): B1 and B2 = Present lbs./day of CBOD5 (B1) and NH3-N (B2) being discharged. This element considers the actual wasteload which the stream receives. Lbs./day values will be obtained from two full calendar years of operational data preceding the year of being scored (i.e., FY92 scoring year will be based on 1989 and 1990 data).

Value of B1	Average lbs/day of CBOD5 Discharged
0	1.5 or less
1	1.5 - 3
3	3 - 5
5	5 - 10
7	10 - 20
9	20 - 50
12	50 - 100
14	100 - 250
16	250 - 750
18	750 - 1500
21	1500 - 2500

25	2500 or more
Value of B2	Average lbs/day of NH3-N Discharged
0	.75 or less
1	.75 - 1.5
3	1.5 - 2.5
5	2.5 - 5
7	5 - 10
9	10 - 25
12	25 - 50
14	50 - 125
16	125 - 375
18	375 - 750
21	750 - 1250
23	1250 - 2500
25	2500 or more

-----0)---(-1.5-or-less
 -----1)---(-1.5-----3
 -----3)---(-3-----5
 -----5)---(-5-----10
 -----7)---(-10-----20
 -----9)---(-20-----50
 --B1--12)---(-50-----100
 -----14)---(-100-----250
 -----16)---(-250-----750
 -----18)---(-750-----1500
 -----21)---(-1500-----2500
 -----25)---(-2500-or-more
 -----0)---(-.75-or-less
 -----1)---(-.75-----1.5
 -----3)---(-1.5-----2.5
 -----5)---(-2.5-----5
 -----7)---(-5-----10
 -----9)---(-10-----25
 --B2--12)---(-25-----50
 -----14)---(-50-----125
 -----16)---(-125-----375
 -----18)---(-375-----750
 -----21)---(-750-----1250
 -----25)---(-2500-or-more

-This element considers the actual wasteload which the stream receives; instead of representing the actual total population contributing to the discharge-

b. Municipal Discharger priority points for municipalities communities which have multiple discharge points or discharge into more than one receiving stream will be scored as follows:

(1) For multiple discharges from a municipality into a single stream segment, municipal discharger priority points from all outfalls-each-outfall's effluent data will be added together to obtain a single municipal discharger priority point-discharge-subtotal score which is then multiplied by the stream segment subtotal score.

(2) For multiple discharges from a municipality entering different stream segments, the municipal discharger priority points multiplied by the corresponding stream segment points for each outfall-each-outfall's effluent data-and-corresponding-stream-data will be treated as a separate total score

which will be added to the total scores of all other outfalls total-scores to comprise the community's final score of the municipality.

c. Municipal dDischarger priority points for municipalities communities that do not have sanitary sewer systems were will be calculated on the basis of the following assumptions:

--(1)--Water-use-is-50-gallons-per-capita-per-day-

(1)(2) Privately owned septic tanks provide the same degree of treatment (35 percent BOD reduction) as primary treatment.

(2)(3) Septic tank absorption dispersion fields have a discharge to surface waters equal to 25 percent of the computed organic load: from the septic tank.

Computation:

The existing stream loading is computed using the following formulas:

lbs. of CBOD5 BOD₅ = existing population x 0.163 lbs. CBOD5 BOD₅ per capita x 0.65 x 0.25

lbs. of NH3-N = existing population x 0.05 lbs. NH3-N per capita x 0.65 x 0.25

91.10(3) Municipal discharger priority rating. The total points for each municipal discharger are obtained by multiplying the "Total Stream Segment Points" times "Municipal Discharger Priority Points."

Total points are determined for each municipal discharger and the priorities of dischargers are then ranked in decreasing order of points.

These rules are intended to implement Iowa Code sections 455B.242 to 455B.246.

Dated this ____ day of April, 1991.

Larry J. Wilson, Director

(Priority Scores are shown on the following three pages)

Priority Scores Using Existing Chapter 91 and Proposed Changes

The following list of municipal dischargers, ones which had been scored using the existing priority system, were scored using the proposed system. There are some obvious differences of scores for a few facilities, but the differences are not so much as a result of the proposed system as they are a result of the new Water Quality Standards. As a result of the water quality standards, some stream use designations have changed and in some instances there are more stringent NH3-N effluent limitations in place. These two factors are more responsible for the differences in scores than are the changes to the system.

City	Existing	
	Points (existing)	Points (proposed)
Indianola	357.27	372.48
Oskaloosa	69.06	66.59
Stanwood	68.30	25.59
Perry	62.88	34.44
Agency	59.95	15.56
Adel	43.37	209.92
Carlisle	30.23	148.75
Dows	16.60	113.54
Independence	14.72	361.52
Woodbine	10.79	60.42
Marengo	6.60	78.82
Stanton	5.22	7.18
Knoxville	1.88	48.24
Clinton	0.941	670.08
Grand Mound	0.278	6.90
Brandon	0.255	79.05
Wapello	0.035	92.05
Newhall	0.000	74.60

Proposed

city	Points (proposed)	Points (Existing)
Clinton	670.08	0.941
Indianola	372.48	357.27
Independence	361.52	14.72
Adel	209.92	43.37
Carlisle	148.75	30.23
Dows	113.54	16.60
Wapello	92.05	0.035
Brandon	79.05	0.255
Marengo	78.82	6.60
Newhall	74.60	0.000
Oskaloosa	66.59	69.06
Woodbine	60.42	10.79
Knoxville	48.24	1.88
Perry	34.44	62.88
Stanwood	25.59	68.30
Agency	15.56	59.95
Stanton	7.18	5.22
Grand Mound	6.90	0.278

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City	existing system points	proposed system points	exist. stream x prop.disch.	prop.stream x exist.disch.
Indianola	357.27	372.48	310.41	428.73
Oskaloosa	69.06	66.59	87.26	25.14
Stanwood	68.30	25.59	230.31	6.13
Perry	62.88	34.44	77.49	30.16
Agency	59.95	15.56	163.38	5.71
Adel	43.37	209.92	393.60	23.12
Carlisle	30.23	148.75	53.13	52.76
Dows	16.60	113.54	218.97	11.21
Independence	14.72	361.52	203.36	117.76
Woodbine	10.79	60.42	120.84	2.28
Marengo	6.60	78.82	168.90	3.36
Stanton	5.22	7.18	14.36	2.61
Knoxville	1.88	48.24	44.22	2.06
Clinton	0.941	670.08	1382.04	0.456
Grand Mound	0.278	6.90	17.25	0.051
Brandon	0.255	79.05	790.50	0.026
Wapello	0.035	92.05	65.75	0.440
Newhall	0.000	74.60	9.33	0.014

Mr. Stokes distributed copies of the proposed rules for Chapters 91 and 92 along with a list of priority scores using existing Chapter 91 and proposed changes. He explained differences between ranking of communities under the currently existing priority rating system and the proposed new system. He gave a detailed explanation of the proposed rules.

Chairperson Mohr asked why there is such a large difference in the numbers for Clinton.

Mr. Stokes responded that it is due to the Mississippi River being considered a high quality resource water because of its unique nature. Also considered is the size and impact of the Clinton discharge on the receiving body for its designated use in the area.

Nancylee Siebenmann asked if these numbers could be interpreted to mean that Clinton will have to do major changes in relation to their treatment.

Mr. Stokes explained that these numbers are a subjective, yet arbitrary way, of relatively ranking the dischargers. He added that some of them will have to do some work to improve their sewage treatment to meet the new water quality standards. He emphasized that the priority system is geared toward water quality impact rather than economic impacts.

Mr. Stokes stated that all communities that could be impacted will be notified of the public hearings.

This was an informational item; no action was required.

APPOINTMENT - DAVE SHERIDAN

Chairperson Mohr welcomed Dave Sheridan of the Attorney General's Office and introduced him to each of the Commissioners.

Mr. Sheridan provided personal background for the Commission and stated that he is committed to environmental protection and want to work with the Commission to accomplish mutual goals. He presented an overview of staffing assignments in the Attorney General's Office and related that they are currently understaffed by two people.

Chairperson Mohr indicated that the Commission would like to discuss specific cases and would like to go into closed session.

Motion was made by Margaret Prah1 to go into closed session pursuant to Iowa Code Section 21.5(1)c to discuss strategy with counsel in matters that are in actual or potential litigation where its disclosure would be likely to prejudice the position of

the governmental body in that litigation. Seconded by Clark Yeager.

Chairperson Mohr requested a roll call vote. "Aye" vote was cast by Commissioners Hartsuck, King, Prahl, Priebe, Siebenmann, Yeager, and Mohr. Motion carried unanimously.

Motion was made by Nancy Lee Siebenmann to adjourn the closed session and return to open session. Seconded by Rozanne King. Motion carried unanimously.

EMERGENCY ADOPTED RULE--CHAPTER 135, ADOPTING U.S. EPA COMPLIANCE
DATE CHANGE FOR AUTOMATIC LEAK DETECTION METHODS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The department requests adoption and emergency filing of a rule amendment to Chapter 135, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks". A change in the federal underground storage tank rules extended the compliance date for automatic leak detection methods being installed to show a leak with a probability of detection of .95 and a probability of false alarm of 0.05.

The compliance date is being extended from December 22, 1990 to September 22, 1991. The U.S. EPA extended the date to allow line leak detection manufacturers time to evaluate their systems with the testing protocol published by the EPA in late September 1990.

Adoption of the rule change will keep Iowa's rules consistent with federal rules as required in Iowa Code section 455B.474 and not cause owners installing line leak detection equipment to be in noncompliance with state rules. Since Iowa Code requires adoption of the rule change, public notice and participation are impractical and unnecessary.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed Emergency

Pursuant to the Authority of the Iowa Code section 455B.474, the Environmental Protection Commission emergency adopts an amendment to subrule 135.5(1) in Chapter 135, "Technical Standards for Underground Storage Tanks." The amendment adopts a change made in the federal underground storage tank regulations by the U.S. Environmental Protection Agency.

The compliance date in subrule 135.5(1) is being extended to September 22, 1991 for an automatic line leak detection method being installed to find a leak with a probability of detection of 0.95 and a probability of false alarm of 0.05. The original compliance date was December 22, 1990. This date was extended to allow the leak detection manufacturers time to evaluate their systems using the protocol published by the U.S. EPA in late September 1990.

Iowa Code section 455B.474 provides that the Commission shall adopt rules relating to release detection, prevention and correction as may be necessary to protect human health and the environment applicable to all owners and operators of new and existing underground storage tanks. Section 455B.474 further provides that in event federal regulations are adopted by the United States Environmental Agency, the Commission shall immediately proceed to adopt rules consistent with those federal regulations. For this reason, the Commission finds that public notice and participation are impractical and unnecessary. The Commission also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of these rules should be waived and the rules be made effective upon filing, February 15, 1991, as they confer a benefit upon the public.

This rule is intended to implement Iowa Code section 455B.424.

Amend paragraph 135.5.(1)"a" subparagraph (3) as follows:

(3) Meets the performance requirements in 135.5(4) or 135.5(5), with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer. In addition, methods used conducted in accordance with 135.5(4)"b", "c", and "d" and 135.5"b" after December 22, 1990, and 135.5"a" after September 22, 1991, except for the methods permanently installed prior to that those dates, must be capable of detecting a leak rate or quantity specified for that method in ~~135.5(4)"b", "c", and "d" or 135.5"a" and "b"~~ with a probability of detection of 0.95 and a probability of false alarm of 0.05.

Mr. Stokes gave a detailed explanation of the rule and noted that he was remiss in not including a request that this be approved for Notice of Intended Action to follow the regular rulemaking process. He added that in this particular case public hearing is not necessary from a technical sense, but in the sense that it provides the Administrative Rules Review Committee a degree of comfort, he would request that any action taken in this matter also include approval of Notice of Intended Action.

Motion was made by Nancylee Siebenmann to approve Emergency Adopted Rule--Chapter 135, Adopting U.S. EPA Compliance Date Change for Automatic Leak Detection Methods and to include approval for Notice of Intended Action for these rules. Seconded by Rozanne King. Motion carried unanimously.

UNDERGROUND STORAGE TANK INVESTIGATION AND CLEANUP REQUIREMENTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided with discussion documents outlining potential areas for streamlining the investigation and remediation of releases from underground storage tanks. The discussion will center on two principle areas.

First, options will be provided on different remedial action requirements for tank installations depending on the degree of health and environmental risk posed by the tank site. Areas of consideration could include the degree of soil contamination, the nature of the soils and geology in the area of the release, the impact on surface and groundwater, the uses made of those surface and groundwaters, and threats to utilities and structures from explosive or harmful build up of fumes.

Second, options will be provided on ways to streamline the investigation and remediation decision making process from the administrative side through combining and/or eliminating various reports currently required of tank owners relative to remediation efforts.

Other aspects of the underground storage tank program may be discussed as the commission desires.

Mr. Stokes presented a history of action standards used as goals for cleanup and expanded on details of same. He distributed literature covering federal and state basic program requirements and tank owner responsibilities; differences between federal and state regulatory programs; UST program comparison for Iowa and surrounding states; and a copy of the Federal Register covering EPA final rules on Underground Storage Tanks Technical Requirements and State Program Approval. Mr. Stokes discussed potential threats from LUSTS and classifying LUST sites by degree of risk posed. Also discussed were response actions, problems and solutions, and determining likely risks.

Nancylee Siebenmann asked if there is anything the UST Insurance Board can do to come in line with state and federal deadlines on financial responsibility requirements.

Mr. Stokes stated that it would take legislative action to match the dates. He noted that the department was asked by the legislature to prepare a proposal on these issues and it went to some legislators before staff had the ability to present it to the Commission.

Mr. Stokes stated that the department is proposing to use a new document to eliminate some of the paper work and cost in making an assessment and remedial action report. He asked the

Commission to review this item and if they are in agreement with the concept, staff will fill in the blanks and bring it back before the Commission through the rulemaking process.

CONTESTED CASE APPEAL--FIRST IOWA STATE BANK (ALBIA)

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On December 22, 1987, the department issued Administrative Order No. 87-SW-33 to Richard J. Davis and Sonja L. Davis, husband and wife, and First Iowa State Bank, of Albia. That action required the parties to clean up an illegal dump and pay a \$1000 penalty. That action was appealed by First Iowa State Bank, and the matter proceeded to administrative hearing on July 27, 1990. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on January 2, 1991. The decision affirms the Order, with the exception of reducing the penalty as to First Iowa State Bank by \$300.

First Iowa State Bank has appealed this order to the Commission. The Proposed Decision, and written briefs of the parties have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mr. Murphy briefed the Commission on the history of this case.

APPOINTMENT - JOHN PABST

John Pabst, counsel for First Iowa State Bank, stated that in 1976, Richard and Sandra Davis purchased this property and in 1979 the bank took a mortgage on it and loaned the Davis's some money. He added that the Davis's allowed rubble to be placed on the land, an illegal operation at that time, and the bank did not have any authority to prevent them from doing so. He related that in the mid-80's the Davis's filed bankruptcy. The bank accepted the deed back and released the Davis's. Since that time there has been no dumping at that site. Mr. Pabst noted that before the bank can sell any real estate that has been foreclosed upon, they have to give the former owner the right to repurchase it. The Davis's exercised their rights and they are back in possession of the land. He stated that he does not know what authority the bank has to go on their land and clean it up when

they have the legal right of possession. Mr. Pabst emphasized that the bank has never permitted or dumped solid waste at this site. He stated that the question is whether you can make the quantum leap that the Assistant Attorney General made in his opinion upon which the hearing officer's decision is based. He related that he feels the Attorney General's opinion should just be considered a legal argument like his own. Mr. Pabst asked if the department can impose liability on someone without fault, without specific statutory authority. He added that the decision of the hearing officer says a person is responsible for cleanup even though they did everything right (the touch it and it's yours theory).

Discussion followed.

Vic Kennedy, Legal Services Bureau, stated that the order to do the cleanup was issued to both the Davis's and the bank jointly. Mr. Kennedy added that the Davis's did nothing and a judgment was issued against them but the bank appealed the order. He expanded on interpretation of the portion of the Attorney General's opinion cited in the department brief. Mr. Kennedy stated that the people that are responsible for the cleanup of anything are: 1) the people who are responsible for putting it there; and 2) the owners. He added that it is up to the two parties how they are going to share the cleanup.

A lengthy discussion took place regarding various issues in the case.

Motion was made by Margaret Prahl to affirm the Administrative Law Judge's decision. Seconded by Nancy Lee Siebenmann. Motion carried unanimously.

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4).

Edward and Margaret Cain (Clinton Co.) - flood plain
Archer Daniels Midland Co. (Clinton) - water pollution
Chicago & Northwestern Transp. Co. (Webster Co.) - air quality
Blackhawk Metal Products, Inc. (Davenport) - air quality
ASPRO, Inc. (Waterloo) - air quality
Pony Creek Homeowners Ass'n #1 (Pacific Junction) - water supply

Archer Daniels Midland (ADM) (Clinton)

Mr. Murphy briefly introduced the case stating that it involves violations of the company's wastewater discharge permit. He noted that this company was referred in 1985 and a consent decree on the same issue was issued in 1986. He added that violations occurred in 1989 and 1990, and in light of past enforcement actions further court action should be taken to avoid violations rather than deal with them after they occur. Mr. Murphy stated that the company has been working on the problem and has installed additions to the facility.

APPOINTMENT - JIM WOLL

Jim Woll, Maintenance Manager and Environmental Affairs Coordinator for ADM, distributed a summary of violations occurring in 1990. He reviewed the cause of each violation and the company's response for same. Mr. Woll told of repairs and improvements that were made at the plant at a cost \$3,700,000. He noted that the company has an NPDES permit amendment application pending with the department. Also, the company is in the process of installing a river water pumping facility and two new clarifiers. Mr. Woll asked that this matter be handled administratively and not be referred to the Attorney General's Office.

Brief discussion followed.

Motion was made by Margaret Prahl for referral to the Attorney General's Office. Seconded by Richard Hartsuck. Motion carried unanimously.

CONTESTED CASE APPEAL--HOOVER AND EDWARDS

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On February 20, 1989, the department issued Flood Plain Development Permit No. FP89-33 to Lynn Miller, for a relocated levee on Crooked Creek. That action was appealed by a downstream landowner, Dannie Hoover, and his tenant, Bill Edwards. The matter proceeded to administrative hearing on January 26, 1990. The Administrative Law Judge issued a Proposed Findings of Fact, Conclusions of Law, and Order on April 11, 1990. The decision reversed the department's issuance of the permit.

The department appealed this decision and the Commission remanded the case to the Administrative Law Judge to take further evidence. The hearing on remand was held on July 17 and 20, 1990, and an Amended Findings of Fact, Conclusions of Law, Decision and Order was issued on November 14, 1990. The amended decision also reverses the department's issuance of the permit, and the decisions have been appealed by the department to the Commission. The Proposed Decisions, and written briefs of the parties have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mr. Murphy stated that the department is appealing the decision of the Administrative Law Judge to overturn the department's issuance of a floodplain permit to Lynn Miller. He noted that Randall Clark, Legal Services Bureau, has presented a Proposed Final Decision which the department is asking the Commission to adopt. Mr. Murphy reviewed the details of the case and related appeals.

Randall Clark presented the department's arguments stating that he, along with the Administrative Law Judge, Mr. Edwards and his attorney, Les Lamping, and Dave Claman-Floodplain Engineer for DNR spent several hours in the field. Mr. Clark noted that the crux of the department's appeal is that Dave Claman was the engineer who originally reviewed the floodplain application presented by Mr. Miller and he recommended that a permit be granted, based on his conclusion that the old, offending levee had been degraded. After the first hearing it was questioned whether or not the old levee had been degraded. Mr. Claman subsequently inspected the site three times and concluded that remnants of the old levee remained but they would not significantly affect flood flows and would not be regulated by the department. Mr. Clark noted that Mr. Claman was the only registered professional engineer of the group who visited the site, yet his testimony regarding the affects of what was left there was given less weight than the testimony of the nonprofessional, lay people who were there. He related that it is extremely difficult for a lay person to look at a site like this and evaluate it from a floodplain regulation standpoint. Mr. Clark urged the Commission to adopt the Finding of Facts and Conclusion of Law the department has submitted.

APPOINTMENT - LESLEY LAMPING

Lesley Lamping, Attorney for Dannie Hoover and Bill Edwards, stated that he is concerned about Randall Clark's comment that Mr. Claman made a conclusion and therefore everyone should adopt Mr. Claman's conclusion. He added that if that were the case it would not be necessary to discuss it today. Mr. Lamping expressed concern about the amount of time spent on this case in regards to hearings, appeals, and site visits and noted that the Administrative Law Judge bent over backwards to let anybody have whatever they wanted to say about this case. He stated that the gist of his argument is that the department is asking the Commission to reverse what the Administrative Law Judge found after 25 hours of hearings, and he would suggest the Commission listen to 25 hours of testimony and visit the site before changing any of the Administrative Law Judge's Findings of Fact. He urged the Commission to adopt what the Administrative Law Judge decided after visiting the site and listening to 25 hours of testimony.

A lengthy discussion followed regarding the old levee and impacts on surrounding land; significance of piles of dirt left along the old levee; impact on the new levee and the possible issuance of a new permit; and the definition of degrade.

William Ehm stated that he would have a problem changing the Findings of Fact after the Administrative Law Judge visited the site and listened to voluminous testimony.

Richard Hartsuck commented that he would hope the Commission does not have many cases where they are asked to review the findings of the Administrative Law Judge. He added that the findings of the Administrative Law Judge should be reversed only when there is extremely compelling reasons to do so.

Motion was made by Richard Hartsuck to affirm the decision of Administrative Law Judge. Seconded by William Ehm. Motion carried unanimously.

REFERRALS TO THE ATTORNEY GENERAL (Continued)Chicago and Northwestern Transportation Company

Mr. Murphy stated that this case involves two instances of open burning of railroad ties which occurred on October 31 and November 9, 1990. He indicated that the November 9 date was inadvertantly omitted in the litigation report and it should be included. Mr. Murphy noted that these incidents were observed by local officials. He added that this company was previously referred twice due to similar violations and court decrees were

entered. It is the feeling of staff that these matters should again be referred. Mr. Murphy stated that the attorney for the company has expressed a willingness to work out a court settlement.

APPOINTMENT - BENNETT WEBSTER

Bennett Webster, Attorney for Chicago Northwestern Transportation Company, addressed the Commission stating that he instigated an investigation into this matter and found the railroad ties were burned by a former roadmaster of the company. Mr. Bennett related that the employee was being terminated prior to this incident and he resigned when he sold his stock during a corporate buyout. Mr. Bennett stated that the former employee was specifically told not to burn the ties and he did so anyway. He related that they believe it was an act of sabotage. Mr. Bennett stated that he feels some civil penalty should be added and that the company will issue new instructions to all employees on this matter.

Brief discussion followed.

Chairperson Mohr asked if the former employee might legally be brought into this case.

Mr. Murphy responded that he can be held responsible and that would be something for the Attorney General's Office to evaluate.

Motion was made by Margaret Prah for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.

PROPOSED CONTESTED CASE DECISION--CITY OF AMES

Mike Murphy, Bureau Chief, Legal Services Division, presented the following item.

On May 22, 1990, the department issued NPDES Permit 85-03-0-01 to the City of Ames, permitting discharge of treated pollutants to the South Skunk River, pursuant to conditions in the permit. The City appealed conditions of that permit, namely certain discharge limits, and the matter proceeded to administrative hearing on November 28, 1990. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on February 28, 1991. The decision directs that the permit be reissued with different discharge limits, reversing the department's action.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy reviewed the history of this case and noted that the department will appeal this decision, therefore it will be brought before the Commission at a later date.

Margaret Prah1 asked staff to tell the Commission in a comprehensible way what they would like to have done when they want a decision changed.

REFERRALS TO THE ATTORNEY GENERAL (Continued)

Edward and Margaret Cain

Mr. Murphy stated that this case involves channel changes that the Cains were asked to restore. They filed for an after-the-fact permit which was denied. The Cains appealed that and the Administrative Law Judge upheld the department's denial; they did not appeal further. Mr. Murphy noted that in the midst of all this, Mr. Cain had a serious accident and has been physically incapacitated. settlement in lieu of referral and the Cains would not sign an Administrative Consent Order. Mr. Cain indicated to the Corps of Engineers that he would correct the problem but has not stated when he will do so. Staff feels it should be referred in order to keep the pressure on to correct the problem.

Margaret Prah1 asked if the Cains actually refused to undertake restoration.

Mr. Murphy responded that so far they have refused and staff has tried to work out an agreement with them but they would not cooperate.

Motion was made by Margaret Prah1 for referral to the Attorney General's Office. Seconded by William Ehm. Motion carried unanimously.

Black Hawk Metal Products

Mr. Murphy asked the Commission to table this case for a month as the company has presented some technical proposals and a desire to work out the legal aspects as well.

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Motion was made by Margaret Prah1 to table the Black Hawk Metal Products referral until next month. Seconded by Gary Priebe. Motion carried unanimously.

ASPRO, Inc.

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Richard Hartsuck. Motion carried unanimously.

Pony Creek Homeowners Association #1

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Margaret Prah1 for referral to the Attorney General's Office. Seconded by William Ehm. Motion carried unanimously.

GENERAL DISCUSSION ITEMS

Discussion took place regarding Commissioner hotel reservations.

William Ehm explained proposed changes to the USDA Farm Program rules in regards to headlands. He suggested the Commission adopt the following resolution and send it to appropriate individuals in the USDA and the Iowa Congressional Delegation:

WHEREAS: The State of Iowa is concerned about the erosion of its prime topsoil and the subsequent pollution of its streams and waterways, and

WHEREAS: The participation in the federal farm program require compliance with a conservation plan, and

WHEREAS: More strict interpretation of the farm bill may decrease signup and thereby jeopardize the success of the conservation portions of the program,

Be it resolved that the Environmental Protection Commission urge the USDA to continue to allow 33 foot wide headlands to be used as set-aside acres regardless of the number of acres involved.

Motion was made by William Ehm that the Environmental Protection Commission adopt this resolution in support of the USDA leaving the program as it was last year. Seconded by Margaret Prah1. Motion carried unanimously.

Discussion took place regarding a phone call Gary Priebe received from Lendall Schievelbein. Director Wilson explained that the city is doing what they are supposed to in regards to discharge regulations.

Also discussed was whether or not a facility must have a permit for storage of foundry sand.

NEXT MEETING DATES

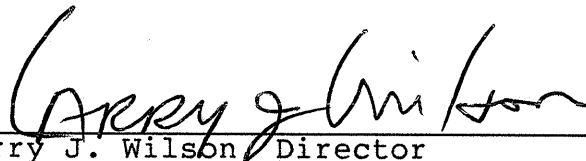
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ADJOURNMENT

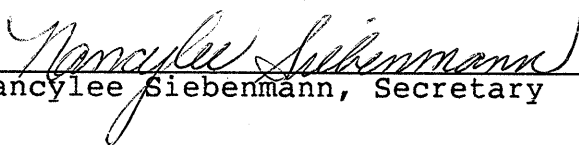
With no further business to come before the Environmental Protection Commission, Chairperson Mohr adjourned the meeting at 5:25 p.m., Monday, March 18, 1991.



Larry J. Wilson Director



Charlotte Mohr, Chairperson



Nancy Lee Siebenmann, Secretary

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